

ESTTA Tracking number: **ESTTA284460**Filing date: **05/16/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177301
Party	Plaintiff Cake Divas
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Signature	/kkg/
Date	05/16/2009
Attachments	Depo Transcript - Grode pt1.pdf (75 pages)(1208935 bytes) Depo Transcript - Grode pt2.pdf (80 pages)(2601400 bytes) Depo Transcript - Grode pt3.pdf (8 pages)(1875622 bytes) Depo Transcript - Grode pt4.pdf (15 pages)(1841927 bytes) Depo Transcript - Grode pt5.pdf (3 pages)(1330499 bytes) Depo Transcript - Grode pt6.pdf (3 pages)(2043270 bytes) Depo Transcript - Grode pt7.pdf (1 page)(1280337 bytes) Depo Transcript - Grode pt8.pdf (2 pages)(2147581 bytes) Depo Transcript - Grode pt9.pdf (1 page)(1486456 bytes) Depo Transcript - Grode pt10.pdf (1 page)(1409501 bytes) Depo Transcript - Grode pt11.pdf (1 page)(1557397 bytes) Depo Transcript - Grode pt12.pdf (2 pages)(1928071 bytes) Depo Transcript - Grode pt13.pdf (2 pages)(2286599 bytes) Depo Transcript - Grode pt14.pdf (3 pages)(2155908 bytes) Depo Transcript - Grode pt15.pdf (2 pages)(2023062 bytes) Depo Transcript - Grode pt16.pdf (59 pages)(1260918 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 76/529,077
Published in the *Official Gazette* of May 8, 2007

Cake Divas,)	
)	
Opposer,)	Opposition No. 91177301
)	
v.)	
)	
Charmaine V. Jones,)	
)	
Respondent.)	
)	
)	
)	

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

OPPOSER'S NOTICE OF FILING TESTIMONY DEPOSITION

TRANSCRIPT OF LEIGH GRODE AND EXHIBITS THERETO

Opposer Cake Divas hereby files the following testimony deposition transcript and exhibits:

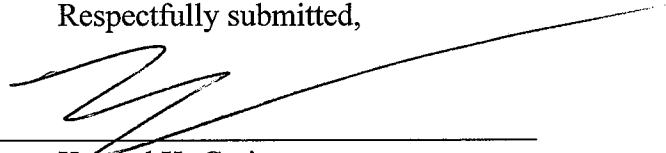
Leigh Grode

Exhibits 1-9

Date of Deposition: April 16, 2009

Respectfully submitted,

Dated: May 15, 2009



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CAKE DIVAS, etc.,)	
)	
Opposer,)	TTAB OPPOSITION NO.
)	91177301
)	
vs.)	
)	
CHARMAINE JONES, etc.,)	
)	
Applicant.)	
)	
)	

THE TESTIMONY DEPOSITION OF LEIGH GRODE

April 16, 2009

Cheryl L. Marquis, CSR #, 6731
⊗ 280739

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CAKE DIVAS, etc.,)	
)	
Opposer,)	TTAB OPPOSITION NO.
)	91177301
)	
vs.)	
)	
CHARMAINE JONES, etc.,)	
)	
Applicant.)	
)	
)	

THE TESTIMONY DEPOSITION OF LEIGH GRODE, taken
on behalf of Opposer at 555 South Flower Street, Suite
3500, Los Angeles, California, commencing at 1:04 p.m.,
Thursday, April 16, 2009, before Cheryl L. Marquis,
Certified Shorthand Reporter, No. 6731.

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CHARMAINE JONES

22

23

24

25

I N D E X

THE WITNESS: Leigh Grode

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Recross-Examination by Mr. Kobulnick	133

EXHIBITS

NO.	DESCRIPTION	PAGE
1	16-page Trademark/Service Mark Application for the name Cake Divas and accompanying documents (not Bates numbered)	15
2	1-page Invoice to California Celebrations from Cake Divas dated October 15, 1998, Bates No. CD 00076	17
3	1-page Invoice to David/Irell & Manella from Cake Divas, Bates No. 00056	19
4	6 pages containing images from cakedivas.com web site, Bates Nos. CD 00001, 2, 4-7	24
5	1-page Cake Price Sheet June 2008 update, Bates No. CD 00076A	26
6	9-page collection of documents, the announcement of Cake Divas' opening, etc., Bates Nos 00067-74	37
7	22 pages of media where Cake Divas is mentioned, Bates Nos. CD 00029-30, 27-28, 21, 31-33, 16-18, 36-37, 9-10, 19-20, 11-12, 14 and 26	46

1 I N D E X - (Continued)

2 EXHIBITS

3 NO.	DESCRIPTION	PAGE
4 8	27-page script for the "Smart Solutions" show, Bates Nos. CD 00077-103	48
5 9	11-page program for "A Soolip Wedding" show, Bates Nos. CD 00039-48	53

1 LOS ANGELES, CALIFORNIA, THURSDAY, APRIL 16, 2009

2 1:04 P.M.

3 -o0o-

4 (The witness, LEIGH GRODE, was
5 placed under oath by the Deposition
6 Officer as follows:

7 DEPOSITION OFFICER: Would you raise your right
8 hand, please.

9 Do you solemnly state that the testimony you
10 will give in this matter will be the truth, the whole
11 truth and nothing but the truth, so help you God?

12 MS. GRODE: I do.

13
14 DIRECT EXAMINATION

15 BY MR. GATIEN:

16 Q Okay, Leigh, let's get right to it.

17 Have you ever had your deposition taken before?

18 A No, I haven't.

19 Q Okay, well let me explain the format a little
20 bit. I'm going to be asking you questions, and then
21 opposing counsel today is Karin Segall and Jeffrey
22 Kobulnick.

23 Is that okay if I just refer to you as Karin
24 and Jeff or Jeffrey?

25 MR. KOBULNICK: That's fine with me.

1 MR. GATIEN: Okay.

2 MR. KOBULNICK: Jeff is fine.

3 BY MR. GATIEN:

4 Q They will have a chance to ask you questions at
5 the end of your testimony in cross-examination. And
6 please wait for all the questions to be fully asked
7 before you answer and don't interrupt, and make sure you
8 understand them. I don't want you to guess at what the
9 answer might be.

10 If you don't know, just say you don't know. If
11 the answer is "yes" or "no" please say "yes" or "no,"
12 because there is no way to understand what you are
13 saying unless it's verbal, so please don't nod your head
14 or shake your head or say "uh-huh" or anything else
15 besides "yes" or "no" or the answer to the question.
16 Okay?

17 A Yes.

18 Q Again, if you don't understand a question or
19 are confused by a particular question, please let me
20 know, or whoever is asking the question know, and
21 request that the question either be clarified or
22 repeated.

23 If you need to take a break for any reason at
24 any time, please feel free to do so.

25 Please remember to speak clearly and audibly so

1 that we can understand you. If we can't, for any
2 reason, we will probably ask you to speak up.

3 After the deposition, you will have an
4 opportunity to review the transcript and make any
5 changes to it, but I have to warn you that any changes
6 you make may affect the credibility of your testimony.

7 Do you recognize that you are under oath today
8 and have been sworn to tell the truth?

9 A Yes.

10 Q Do you agree to do so?

11 A Yes.

12 Q Are you taking any medications that might
13 impair your ability to testify accurately today?

14 A No.

15 Q Do you have any questions before we begin?

16 A None.

17 Q Okay, Leigh, what do you do for a living?

18 A I am the co-owner of Cake Divas.

19 Q How long have you been doing that?

20 A I have been doing that for ten and a half
21 years, since October 15th, 1998.

22 Q What is your position at Cake Divas?

23 A I am the part of the business -- I run the
24 business, I move the business forward. So what does
25 that mean. Everything from answering the telephone, to

1 building accounts, to working on the web site and
2 marketing.

3 Q Okay, do you have any other responsibilities?

4 A I do participate in design and consultations
5 with clients that come in.

6 Q Okay, what does that involve?

7 A It involves sitting down with them and
8 listening to them and coming up with a cake design and
9 flavors.

10 Q Okay. We heard testimony earlier today from
11 your co-founder, Joan, that she obtained a business
12 license and that application for the business license
13 was published in the Clarion.

14 After publishing that notice, did you receive
15 any responses or oppositions to your fictitious business
16 name statement?

17 A No.

18 Q And after you obtained that fictitious business
19 name of Cake Divas for your business, what actions did
20 you take, if any, to operate your business?

21 A We established a bank account. We sold a cake
22 -- we sold cakes starting from day one. We printed
23 business cards and with a logo, a design, and letter
24 logo, the words Cake Divas in a particular font with a
25 design of a woman sitting on a cake.

1 We introduced ourselves to vendors and venues
2 and we made relationships with people to hand out cake
3 and have them taste our product.

4 Q Okay. Approximately when did you file your
5 Federal Trademark application with the United States
6 Patent and Trademark Office for the tradename Cake
7 Divas?

8 A I need to -- I don't know. I can't recall. I
9 think it's two -- wait.

10 Q If you know that.

11 A Okay.

12 Q Again, please, if you don't know the answer,
13 don't guess

14 A Okay.

15 Q -- just say you don't know

16 A I don't know.

17 Q -- and I... Okay.

18 I'm going to be handing you some documents, and
19 Jeff here is a copy.

20 MR. KOBULNICK: Thank you.

21 MR. GATIEN: This will be marked as Exhibit 1
22 to the Leigh Grode deposition testimony.

23 MS. SEGALL: Can you speak up when you answer
24 questions? I'm having a little trouble hearing you

25 THE WITNESS: Okay.

1 MR. KOBULNICK: Is there anything that we can
2 do to

3 MS. SEGALL: Way better.

4 MR. KOBULNICK: You have to speak upwards to
5 that little ball.

6 THE WITNESS: Oh, I see.

7 MR. GATIEN: These are not Bates numbered,
8 Jeff, so I'm going to go in order of what you see so you
9 are aware of the documents we are talking about.

10 BY MR. GATIEN:

11 Q The first document I'm handing to you, do you
12 recognize that document?

13 A Yes.

14 Q What is it?

15 A This is the application form that we filled out
16 for our trademark with the USPTO.

17 Q Okay, and what services do your -- are covered
18 by that application?

19 A Manufacture of cakes, baking and designing
20 edible and faux cakes.

21 Q Is that what you do for your business?

22 A Yes.

23 Q So is that statement completely truthful and
24 accurate?

25 A Yes.

1 Q Okay.

2 MR. KOBULNICK: I will just object as to form
3 of the question.

4 BY MR. GATIEN:

5 Q Okay. I'm going to give you several more
6 documents.

7 A Okay.

8 Q Do you recognize those documents? Please take
9 time to look at them all first.

10 A Yes. Yep. Yes.

11 Q Do you recognize those documents?

12 A Yes.

13 Q What are they?

14 A This is the application for our trademark for
15 Cake Divas.

16 Q Is there a date associated with that filing
17 that you can see?

18 A Yes. August 4th, 2003.

19 Q Okay. Does that refresh your recollection that
20 that's the day that you filed the Trademark Application?

21 A Absolutely, yes.

22 Q Here is one more document in connection with
23 them. Please try to keep them in order, because we're
24 going to submit them in that order.

25 A Okay.

1 Q Do you recognize that document?

2 A It's a duplication of the first document.

3 Q Okay, and what is on that document?

4 A It's a time date stamped, the name of our
5 business, the date of first use and the description of
6 our service and our name and a number.

7 Q Okay. Is all that information truthful and
8 accurate?

9 A Yes.

10 Q Okay. I'm going to give you several more
11 documents, and please take time to look at these, and
12 when you are done, let me know.

13 MS. SEGALL: Is this all still Exhibit 1?

14 MR. GATIEN: Yes.

15 THE WITNESS: Yes. yes.

16 BY MR. GATIEN:

17 Q And you have looked at all the documents?

18 A Yes, I have.

19 Q And do you recognize the documents?

20 A Yes, I do.

21 Q What are they?

22 A The top page is our original logo that was
23 created.

24 Q I'm sorry, can you clarify that, and tell me
25 what is on the page?

1 A Sure. What's on the page are -- these are
2 basically the first Cake Divas labels

3 Q Okay.

4 A -- that represent the icon of the lady sitting
5 on the cake with the name Cake Divas.

6 Q And what is that?

7 A That's our logo.

8 Q Okay.

9 A This is our mark visually.

10 Q Okay.

11 A Yeah.

12 Q That's fine. What is on the next page?

13 A Next page is our very first web site. These
14 are images from our very first web site cakedivas.com,
15 what they looked like, and the different categories.

16 Q Okay.

17 A Yeah.

18 Q Is that all the rest of the pages, or is there
19 anything else?

20 A The flavors and cake fillings, also from the
21 web site, and then there is the search that states -- it
22 says here Cake Divas, which brings you right to the web
23 site front page, and then there is cake book, which is
24 one of the categories in our dot com, so it would bring
25 you back to Cake Divas' web site, specifically to the

1 cake book.

2 Q Okay, did you submit those in connection with
3 your trademark application?

4 A Yes.

5 Q And what function did they serve, if any, in
6 connection with your application?

7 A Proof of usage of the mark.

8 Q Your specimen of use?

9 A Specimen use.

10 Q Okay, thank you.

11 I would like to submit all those documents as
12 Exhibit 1 to the Grode deposition.

13 (Exhibit No. 1 was marked by the Deposition
14 Officer for identification and submission.)

15 BY MR. GATIEN:

16 Q And just to summarize, is it your testimony
17 today that all of the statements today in connection
18 with your trademark application are truthful and
19 accurate?

20 A Yes.

21 Q Okay. Let's talk a little bit about your use
22 of the Cake Divas mark. What day, if you can recall,
23 was the first date that you began using the Cake Divas
24 mark?

25 A The first date was October 15th, 1998.

1 Q Why do you remember that date?

2 A Because we were doing all the filing and
3 finding a kitchen. That was the day we began
4 officially. We also sent out invitations that said we
5 were launching, and that was our date. That was our
6 focus date.

7 Q Okay, and did you make any sales on that date?

8 A Yes -- excuse me. Yes, we did.

9 Q And what sale? Do you recall the sale?

10 A No, I do not recall the sale.

11 Q Okay. I would like to show you a document that
12 we're going to mark as Exhibit Number 2. And that
13 documents bears Bates number CD 00076.

14 Do you recognize that document?

* 15 A Yes. This is an invoice for a card -- a cake, a
16 sculpture of a Marlboro 500 race car.

17 Q What is the date of the invoice?

18 A October 15, 1998.

19 Q And what items are included in this invoice?

20 A The items are -- it's a two and a half inch
21 cookie assortment, brownie assortment, mini cannolis,
22 chocolate truffles, cupcakes and the actual artwork for
23 the cake.

24 Q I'm sorry, go ahead.

25 A It was painted on.

1 Q Did you perform services in connection with the
2 goods that are on this invoice?

3 A Yes.

4 Q What were those services?

5 A The services was the preparation of the
6 desserts, the execution of the artwork on top of the
7 desserts, and the delivery of the desserts to the
8 location.

9 Q Okay. Is that typical Cake Diva service?

10 A Yes.

11 Q And are these typical Cake Divas goods?

12 A Yes.

13 Q Is the Cake Divas mark on this invoice?

14 A Yes.

15 MR. KOBULNICK: Objection. Form of the
16 question.

17 MR. GATIEN: We would like to submit that as
18 Exhibit Number 2.

19 (Exhibit No. 2 was marked by the Deposition
20 Officer for identification and submission.)

21 BY MR. GATIEN:

22 Q Okay, I would like to show you another document
23 that we will mark as Exhibit 3, and this bears the Bates
24 number CD 00056.

25 Do you recognize this document?

1 A Yes, I do.

2 Q What is it?

3 A This is an invoice for a quarter sheet, white
4 cake.

5 Q Okay, is this an invoice from your company?

6 A Excuse me. Yes, it is.

7 Q Is your company name and trademark on the
8 invoice?

9 A Yes, it is.

10 MR. KOBULNICK: Objection as to form.

11 BY MR. GATIEN:

12 Q Okay. Is this invoice exemplary of all the
13 invoices you initiated?

14 MR. KOBULNICK: Objection. I think it would be
15 better if your client testified.

16 MR. GATIEN: I don't think it was leading.

17 BY MR. GATIEN:

18 Q Can you just please answer the question?

19 A Can you restate it?

20 Q Is this invoice typical of the invoices issued
21 by your company?

22 A This is one set of them. There were different
23 incarnations of the invoices. This was one we sent out
24 for a period of time.

25 Q Do all of your invoices include the name Cake

1 Divas on them?

2 MR. KOBULNICK: Same objection.

3 MR. GATIEN: Okay ,I would like to submit that
4 as Exhibit 3.

5 (Exhibit No. 3 was marked by the Deposition
6 Officer for identification and submission.)

7 BY MR. GATIEN:

8 Q How long have you been using the mark Cake
9 Divas?

10 A Since October 15th, 1998.

11 Q Have you ever abandoned the mark? And let me
12 explain that, because abandonment is a legal term.

13 Abandonment means you have intentionally
14 discontinued the use of the mark with the intent of not
15 using it?

16 A No.

17 Q Are you currently using the mark?

18 A Yes.

19 Q For what services?

20 A For the creating of cake and desserts, real and
21 faux.

22 Q Are you currently using the mark in connection
23 with all the services listed in your trademark
24 application?

25 A Yes.

1 Q Any additional services?

2 A Yes.

3 Q What are those?

4 A We make appearances demonstrating cake
5 decorating, privately and publicly. We have been on
6 television, and part of a reality show, and we have more
7 venues that we provide exclusively for and have more
8 relationships than we did previously.

9 Q Okay. What channels of trade -- and, again,
10 it's sort of a legal term, so I would like to explain it
11 to you.

12 But what channels of trade do you use to offer
13 your services under the Cake Divas mark? The channel of
14 trade is the means by which you are offering your
15 services. It can be the Internet, it can be a retail
16 store, it can be direct mail

17 MS. SEGALL: Objection

18 Objection. Can you please stop defining legal
19 terms and just ask questions?

20 BY MR. GATIEN:

21 Q Again, it can be any of those things. So what
22 channels of trade do you offer your services?

23 A We offer our services through the Internet,
24 through our web site. We offer through advertising.
25 Meaning when we -- we participate in a lot of nonprofit

1 donation-type stuff, and then they provide us with
2 marketing tools, as opposed to putting an ad in on the
3 behalf of Cake Divas, in exchange for services.

4 I think the exposure that we have had, when we
5 make desserts for different television shows and movies
6 on camera and off camera, that's another way that we do
7 a lot of our marketing. A lot of it is word of mouth.

8 Q Do you have any retail locations?

9 A Yes.

10 Q Where are they?

11 A We have 9626 Venice Boulevard as our business
12 location.

13 Q Okay. Do you offer your services to any other
14 locations, physical locations?

15 A Yes. We have -- we sell Cake Divas products at
16 Owen's Market on Pico Boulevard. And at Lulu's Cafe
17 they serve Cake Divas' product.

18 Q Okay. Anywhere on the Internet, besides your
19 web site?

20 A Not in terms of -- no, no.

21 Q What Internet domain names -- you mentioned
22 cakedivas.com. Do you have any other Internet domain
23 names that use to sell your services? And by that I
24 mean services offered under the Cake Divas mark?

25 A I believe cakedivas.net, but it's all merged

1 into one web site. There is no other location.

2 Q Okay. Do you recall when you purchased the
3 domain name, cakedivas.com?

4 A Yes. I -- it was -- well, not -- how do I
5 answer this. I do not know the exact date, but I can
6 tell you that it was at the end of August of 1998.

7 Q And what is the purpose of your Cake Divas web
8 site?

9 A The purpose is it's our brochure. It's how
10 people can see our wares and correspond with us.

11 Q And when did you -- do you recall when you
12 began...

13 Do you publish content on your web site?

14 A Yes.

15 MR. KOBULNICK: Objection to the term "publish
16 content."

17 BY MR. GATIEN:

18 Q Okay, I will define content then. Content
19 would be any information whatsoever on your web site.

20 A Yes.

21 Q Okay, and when did you begin doing that?

22 A When we launched our web site, which I believe
23 -- I don't know the exact date, again. Maybe it's on
24 the

25 Q Don't guess.

1 A Okay, I'm not guessing.

2 Q And what content is on your web site?

3 A Images of cakes that we have made, flavors,
4 articles and magazines covers. There is video clips
5 that you could see that have been aired on television,
6 our trademark, our name, our address, our phone number,
7 how to get in contact with us, an ability to write us an
8 e-mail, you know, directly. And

9 Q So are there means for getting in contact with
10 you to order your services on the web site?

11 A Yes.

12 Q And what are those?

13 A People can e-mail us and request an appointment
14 or a dessert or a price, and it comes directly to us.

15 Q Is there any other way to get in contact with
16 you besides e-mail on the web site?

17 A Yes.

18 Q What is that?

19 A There is a phone number posted, and they can
20 call us directly.

21 Q Okay. I would like to show you some more
22 documents, and these will be marked as Exhibit Number 4
23 to Ms. Grode's declaration [sic]. For the record, they
24 are Bates numbered CD 00001, 2, 4, 5, 6, and 7.

25 A Okay.

1 Q Do you recognize -- I'm sorry, let me give you
2 some time to look at them, and please look at them all
3 and let me know when you are done.

4 A Uh-huh. Uh-huh.

5 Q Do you recognize these documents?

6 A Yes, I do.

7 Q What are they?

8 A They are printouts from my current web site.

9 Q Okay. Are they truthful and accurate?

10 A Yes.

11 MR. GATIEN: I would like to introduce those as
12 Exhibit 4.

13 (Exhibit No. 4 was marked by the Deposition
14 Officer for identification and submission.)

15 BY MR. GATIEN:

16 Q Okay, Leigh, who would you say are your typical
17 customers?

18 A Anyone from the public who calls us and asks us
19 for a cake.

20 Q So would that include individuals then?

21 A Yes. It includes individuals, it includes
22 hotels, that includes some stores, caterers, like
23 people's home chefs, you know, they have private chefs.

24 Q Okay. Can you name some of the hotels?

25 A Sure. There is Hotel Bel Air. There is

1 Shuttters and Casa, the W, Four Seasons, Fritani's and
2 the Ritz Carlton.

3 Q What is the typical price of your services?

4 A It varies. It depends on whether it's a
5 dessert or it's a cake.

6 Q Okay, I would like to show you another
7 document. Let's mark this as Exhibit 5, please.

8 Please look at this and let me know when you
9 are finished.

10 A Yeah.

11 Q Do you recognize that document?

12 A Yes.

13 Q What is it?

14 A This is a 2008 cake price sheet.

15 Q Okay. Is that a price sheet for your services?

16 A Yes, it is.

17 Q Is that a price sheet for your goods?

18 A Yes, it is -- well, it's a -- yes. Yes, it is.

19 Q Are those prices accurate?

20 A Our prices have changed since this print date.

21 Q What date is on this sheet?

22 A June 2008.

23 Q And so you are saying the prices have changed?

24 A Yes.

25 Q How have they changed?

1 A They have increased.

2 Q Approximately how much? You don't have to go
3 item by item. You can just give me a percentage.

4 A I'm trying to remember what the formula is.
5 I'm going to approximate, a 35 percent increase.

6 Q Thank you.

7 MR. GATIEN: I would like to submit that as
8 Exhibit 5.

9 (Exhibit No. 5 was marked by the Deposition
10 Officer for identification and submission.)

11 MR. KOBULNICK: Counsel, I would just like to
12 note that Exhibit 5 is also labeled as CD 00076A.

13 MR. GATIEN: Okay.

14 MR. KOBULNICK: Does that correspond to what
15 has been produced? Is there a reason for that 76A?

16 MR. GATIEN: I believe it was produced.

17 MR. KOBULNICK: Redacted?

18 MR. GATIEN: I mean -- one second please.

19 If you don't mind, we would like to have a
20 short recess.

21 (A recess was taken from 1:31 p.m.
22 to 1:34 p.m.)

23 BY MR. GATIEN:

24 Q Okay. I would just like to pick up where we
25 left off, which is, I believe Jeff asked me if that

1 document was redacted. Previously it was redacted, but
2 we are waiving the privilege to submit it.

3 MR. GATIEN: Matt, did you have where it was in
4 the privilege log so we can identify it?

5 MR. KOBULNICK: 76A.

6 MR. KLAFTER: Yeah, it was 76.

7 MR. KOBULNICK: Yes, 76A, right.

8 MR. GATIEN: Okay.

9 BY MR. GATIEN:

10 Q Okay, Leigh, I just want to remind you, you are
11 still under oath. So when we take a recess, it doesn't
12 mean we have to redo the oath.

13 So getting back to the questioning, where do
14 you offer your goods for sale, and I mean
15 geographically?

16 A Geographically, uhm

17 Q Let me be more specific, I'm sorry. Let me
18 rephrase it.

19 In what states do you offer your Cake Divas
20 services for sale?

21 A Well, we are on the Internet, so any state that
22 contacts us.

23 Q So, in addition to on the Internet, where have
24 you sold your services? What states have you sold your
25 services?

1 A We have sold California, Nevada, Connecticut,
2 New Jersey, North Carolina, Texas, Oklahoma, and there
3 may be more, but I don't...

4 Q Anywhere outside the U.S.?

5 A Yes. Oh, Hawaii also. Yeah, Turkey. Ansuego.
6 (Phonetic). And Costa Rica and we have had cake go down
7 to Mexico, too.

8 Q Do you have any plans to expand the use of your
9 mark in connection with your services?

10 A Yes.

11 Q What are those?

12 A Product line.

13 Q Anything else?

14 A Yes, but I don't want to discuss it.

15 Okay. Sorry.

16 Q Product line, could you please identify the
17 products?

18 A Yeah, okay. So (unreportable word) bleeeh.

19 MR. KOBULNICK: Did you get that?

20 THE WITNESS: Yeah. All capitals.

21 MR. GATIEN: No objections on
22 unintelligibility?

23 THE WITNESS: No, okay. Our product is chef
24 jackets and scarves and we have mugs and aprons, and we
25 are looking toward Cake Divas utensils. And so we are

1 expanding that way.

2 MR. GATIEN: Okay.

3 THE WITNESS: Does that make sense?

4 BY MR. GATIEN:

5 Q Yes. And let me ask you, is it accurate to say
6 that those are all kitchen supplies?

7 A Yes.

8 Q Please state the date that you first began
9 advertising Cake Divas marketing in commerce concerning
10 the services listed in your PTO application.

11 A That would be October 15, 1998.

12 Q What advertising media did you use?

13 A We used the invitations we sent out through the
14 mail, and we sold cake, sold -- our invoice that had our
15 mark on it. Business cards that I handed out to all
16 people that were in the catering business and such as
17 that.

18 Q Okay, and, again, when did you start doing
19 that?

20 A Right away. So that was October 15th, 1998.

21 Q You did all of those things starting on that
22 day?

23 A Yes.

24 Q Let me show you some documents. We would like
25 to mark this as Exhibit 6. These documents are Bates

1 number CD 00067, 68, 69, 70, 71, 72, 73, 74 and 75.

2 A Wow.

3 Q So please take some time to look at those and
4 let me know when you are finished.

5 A Ah yes. Yep. Yep. Yep. Yes. It's like
6 going back in time, for real. It's like I haven't seen
7 this... Okay, yeah, I'm here.

8 Q Okay. Taking them as a group, what are they?

9 A These are all the initial ways we started off.
10 This is the -- as a group?

11 Q Uh-huh.

12 A Specifically, this is the invitation that we
13 sent out that introduced us.

14 Q We'll go individually.

15 A Okay.

16 Q Okay, they were -- I'm sorry, you said this is
17 the way we started off. What does that mean?

18 A That means when we were first trying to make
19 our first stepping out, if you will, to let people know
20 that we were there. These were the tools that we used.

21 Q Again, "tools," I'm not sure what

22 A Okay, this is the print media that we created.
23 This was a card, this was two sides of a card that we
24 mailed out and we gave out.

25 Q Okay. Again, that's -- is it accurate to say

1 that these were manners in which you advertised your
2 services?

3 A Yes, that's accurate.

4 MR. KOBULNICK: Objection as to form.

5 BY MR. GATIEN:

6 Q As a group what do they represent?

7 A Okay, these represent all the ways that we
8 advertised.

9 Q Okay, let's take the first document, CD 00067.

10 A 67, yes.

11 Q Do you recognize that document?

12 A Yes.

13 Q What is it?

14 A This was our coming-out statement.

15 Q Okay. What does that mean?

16 A That means that this is how Joan and I
17 introduced ourselves to the dessert world and put
18 ourselves out there in Los Angeles.

19 Q And how did you put yourselves out there?

20 A We created this card, which this is the written
21 part of it, and we gave these out and we went around
22 with this and cake samples of our product and we gave
23 them out. We literally handed them to different people
24 in different venues to try and solicit business.

25 Q Okay. Can you name some of those venues?

1 A Yes. Bonne Bouffe Catering was one, in the
2 previous document, the invoice was from the Celebration
3 company, that was another one. We went to

4 Q I'm sorry, there were two documents that were
5 invoices. Which one were you referring to?

6 A The first invoice.

7 Q From October

8 A October 15th.

9 Q Okay.

10 A And I went through all the caterers in the
11 phone book at that time, and I contacted each and every
12 one of them.

13 Q How did you do that?

14 A By calling them on the telephone and
15 introducing myself. Originally, I was looking for
16 kitchen space and asking them if they had space, and
17 then they said, no, but when you are ready to go when
18 you find a space, call us back, and I did. I brought
19 them all over -- so I don't recall all the names of all
20 those people but those are actually the people I
21 contacted.

22 Q How many people would you estimate you
23 contacted?

24 A In that initial outreach, I would say there was
25 ten, maybe more, maybe a little less.

1 Q Companies?

2 A Companies.

3 Q What about individuals?

4 A Well, we first went to companies, we didn't go
5 to individuals.

6 Q Okay, when did you first go to the individuals?

7 A When we would go to these events and they would
8 taste our cake and we would donate cake to different
9 nonprofit organizations. And so that's one. And we
10 participated in wedding shows and such like that, and
11 then we started meeting individuals.

12 Q Timewise, do you recall when that was
13 approximately?

14 A I do not.

15 Q Was it within a month of October 15th, '98?

16 A No.

17 Q Was it

18 MS. SEGALL: Objection.

19 BY MR. GATIEN:

20 Q You can answer the question.

21 A Oh. No, it was a longer period of time. It
22 took us about, I would say, six months to nine months
23 before we were able to -- before we were able to
24 solidify our recipes and get them out there in massive
25 quantity, if you will.

1 Q Okay. What's the second document 00068?

2 A That's the flip side of 067.

3 Q Okay, it's the other side?

4 A Yes.

5 Q And 00069, what is that?

6 A This was an ad that was actually published in
7 exchange for our cake product that we participated in.
8 And if I'm not mistaken, this was published in the Gay
9 and Lesbian Film Magazine that went out. And this was
10 one of the ads, as a sponsor, if you will. It was part
11 of the deal, we made cakes and desserts and they gave us
12 ad space.

13 Q Okay, and the next one, 00070?

14 A Right.

15 Q What is that?

16 A This is a fundraiser -- these are gift
17 certificates, or these are just different forms of gift
18 certificates. This one is called Ugly Fundraiser 2003,
19 and it -- the bearer is \$100 worth of Divialicious
20 desserts, and it was our old phone number and, yep. And
21 then this one, lower part of the page is a more current
22 I guess typeface, a gift certificate as well. And,
23 yeah.

24 Q Okay, so you are saying there are three
25 separate gift certificates on this page?

1 A No, I said there were two. Two.

2 Q Two, what are they? Can you indicate that?

3 A Yes. Thank you for supporting the Ugly
4 Fundraiser 2003. This gift certificate entitles the
5 bearer to \$100 worth of Cake Divas' Divialicious
6 Desserts. So when you are ready to

7 DEPOSITION OFFICER: I am sorry, go slower.

8 THE WITNESS: I'm so sorry.

9 MR. GATIEN: You don't need to repeat -- I'm
10 sorry, you don't need to repeat the whole thing. Just,
11 you know

12 THE WITNESS: Oh, okay.

13 BY MR. GATIEN:

14 Q It looks to me like there are three sections
15 here.

16 A Right.

17 Q So I'm trying to figure out what you are saying
18 is a gift certificate on this page.

19 A Okay, sorry. So it ends with congratulations
20 we look forward to creating your cake or dessert dreams.

21 Q Okay.

22 A That's number one.

23 Number two -- Am I okay?

24 DEPOSITION OFFICER: Can you read just a little
25 slower?

1 THE WITNESS: You got it. I'm sorry.

2 Cake Divas' gift certificate is for -- in the
3 top line, ending with forward to creating your cake or
4 dessert dreams, but that's in the boldfaced type.
5 That's the second.

6 BY MR. GATIEN:

7 Q And that's another certificate?

8 A Yes, it is.

9 Q So those are the two certificates on the page?

10 A Correct.

11 Q Okay. And the first one, is there a date
12 associated with that?

13 A There is a year, yes.

14 Q A year. What is that year?

15 A 2003.

16 Q Did this certificate go out in that year?

17 A Yes, it did.

18 Q And what about the one at the bottom, is there
19 a date associated with that?

20 A Not on this sheet.

21 Q Do you recall when that one would have been
22 issued?

23 A No.

24 Q Okay, let's -- looking at number 00073.

25 A Yes.

1 Q What is that?

2 A This is a copy of a CD with Cake Divas cake
3 images on it, and below it is our original business
4 card.

5 Q You mentioned there is images on the Cake Divas
6 CD?

7 A Yes.

8 Q What images are those?

9 A They are of different cakes that we

10 MS. SEGALL: Objection.

11 BY MR. GATIEN:

12 Q You can answer.

13 A Okay. On this CD are images of cakes that we
14 -- that Cake Divas made.

15 MR. GATIEN: All right. We can introduce
16 those, please, as Exhibit 6.

17 (Exhibit No. 6 was marked by the Deposition
18 Officer for identification and submission.)

19 MR. KOBULNICK: Counsel, did you produce an
20 electronic CD as well? I don't remember seeing it.

21 MR. GATIEN: I don't believe we have.

22 MR. KOBULNICK: Have you produced any of the
23 documents that are on the CD?

24 MR. GATIEN: I don't know. I will tell you, we
25 will go and

1 (To the witness) Do you have that CD? Not here
2 but do you have

3 THE WITNESS: I have a lot of CDs and I don't
4 know if I have that particular one.

5 MR. GATIEN: Okay. Can you please look for
6 that, and if you have it, either produce it to us and we
7 can print what's on it and produce it to opposing
8 counsel, if you still have it.

9 THE WITNESS: Sure.

10 MR. GATIEN: Okay.

11 MS. SEGALL: Of course, we are going to be
12 objecting to the fact that it wasn't produced earlier.

13 MR. GATIEN: Assuming we find it, you can
14 object.

15 I do believe we keep receiving documents from
16 you, even though discovery cutoff has been well
17 established, and it just fits with our continuing
18 obligation to produce anything that we find. So if we
19 find it, we will certainly produce it.

20 MS. SEGALL: We can argue over this in the
21 briefs.

22 MR. GATIEN: That's correct.

23 BY MR. GATIEN:

24 Q Advertising for the Cake Divas mark, let's look
25 at that. What advertising media have you used, if any,

1 to advertise your services under the Cake Divas mark?

2 A We have had articles written about Cake Divas,
3 and we have had, in the Hollywood

4 Q Oh, I'm sorry, I'm sorry, asked and answered.
5 I have already asked this question. I am objecting to
6 myself now.

7 Have you ever been contacted by a media
8 publication regarding your services?

9 A Yes.

10 Q When was that?

11 A Constantly.

12 Q Constantly. Which publications?

13 A "InStyle" magazine, "People" magazine,
14 "Hollywood Reporter," Okay magazine, KTLA, different
15 television stations, movie companies, con- -- we have
16 done several movies on camera and off camera.

17 Q Okay. I would like to show you some documents
18 again. And mark these as Exhibit 7.

19 And these documents are all Bates numbered, so
20 I would just like to allow you a minute to go through
21 all of them and then we'll go through each one
22 separately.

23 MS. SEGALL: What are the Bates numbers?

24 MR. GATIEN: I'm just going to give them as we
25 go through it, rather than do it all now and do it again

1 later.

2 MS. SEGALL: If you have a run, we can pull the
3 documents. I would rather have them now.

4 MR. GATIEN: Okay. CD 00029, 30, 27, 28, 21

5 THE WITNESS: Yeah.

6 MR. GATIEN: 31, 32, 33

7 THE WITNESS: Ah.

8 MR. GATIEN: -- 16, 17, 18, 36, 37, 9, 10, 19,
9 20, 11, 12, 14, and 26.

10 MS. SEGALL: This is all one exhibit again?

11 MR. GATIEN: Yes. Can we please take a brief
12 recess while they gather the documents, so I can use the
13 restroom?

14 (Recess taken from 1:54 p.m. to
15 2:01 p.m.)

16 BY MR. GATIEN:

17 Q Again, Leigh, I just want to remind you that
18 you are sworn in.

19 Looking to the documents that I gave to you,
20 specifically 00029 and 30, do you recognize those
21 documents?

22 A Yes.

23 Q What are they?

24 A They are the cover of magazine where Cake Divas
25 has been advertised, and there is actually a picture of

1 Joan in here.

2 Q Okay, what magazine is that?

3 A This is the "Los Angeles Times" magazine.

4 Q Okay, is there a date associated with that?

5 A Yes.

6 Q What is it?

7 A February 20th, 2000.

8 Q Okay. Going to the next documents 00027 and
9 28, do you recognize those?

10 A Yes.

11 Q What are they?

12 A This was -- this was an ad for the
13 Bloomingdale's bridal event, which was our first bridal
14 event actually, March 26th, 2000, and it was in the L.A.
15 Times

16 Q I'm sorry, did you say 26?

17 A The event was Sunday ,March 26th.

18 Q Okay.

19 A And the publishing of this was on the 12th of
20 March, Sunday, the Sunday magazine.

21 Q Okay.

22 A So that's what this was and is.

23 Q What was your role at the event?

24 A We were a vendor, and we were the one providing
25 cake samples, and it -- next page.

1 Q No, I mean, go ahead, please finish.

2 A Okay, the Exhibit CD 00028, it states our name
3 here, which was part of the same ad. This is who we
4 were participating in the event.

5 Q Okay, and CD 00021, do you recognize that?

6 A Yes, I do.

7 Q What is that?

8 A This is the first article that was really
9 written about us as the Cake Divas from "The Hollywood
10 Reporter."

11 Q What is the date of that article?

12 A You know, I can't tell what the month is, but
13 it's 2000.

14 Q Is there a date anywhere on that page?

15 A Yes, but it's cut off.

16 Q Let's see your copy.

17 It is cut off. Let me give you my copy. It's
18 the same Bates number, but apparently the date is not
19 cut off.

20 A It's May 30th to June 5th, 2000.

21 Q Thank you. You can keep that one.

22 Okay, looking at Bates number 00031 and

23 A Right.

24 Q -- and 32 and 33?

25 A Yes.

1 Q Do you recognize those documents?

2 A Yes.

3 Q These are all -- this is magazines and events
4 that we participated in, and they are all forms of
5 advertising for Cake Divas.

6 Q Okay. Then moving on to 00016, do you
7 recognize that document?

8 A Yes, I do.

9 Q What is that?

10 A This is the cover of the "InStyle" magazine
11 where we were in this particular copy two places of a
12 cake we made, and also the sculpted cake toppers, one of
13 our products, services.

14 Q Okay. Can you identify where in those three
15 pages where the picture of cake is that you made?

16 A In this you don't see the cake, you see the
17 cake topper.

18 Q On which page?

19 A On page 72, CD 00017.

20 Q Okay.

21 A And then this one on 00018, the bottom right
22 corner is our cake.

23 Q Okay, thank you.

24 Looking at 00036 and 37?

25 A Yes.

1 Q Do you recognize those documents?

2 A Yes.

3 Q What are they?

4 A This was -- this is also advertising in
5 "Angeleno" magazine. This was the first issue of
6 "Angeleno" magazine. On 00037, up in the corner was an
7 interview about our cake company that they conducted.

8 Q Okay. Looking at 00009?

9 A Yeah.

10 Q Ten -- and 10?

11 A Yeah.

12 Q Do you recognize those documents?

13 A Yes.

14 Q What are they?

15 A They are more -- ten -- okay. Yeah, this is
16 "InStyle" magazine again, and the cupcakes tower is
17 ours, and, yeah, this was an event that was advertised
18 in this magazine.

19 Q And looking at 000019 and 20, do you recognize
20 those documents?

21 A Yes.

22 Q What are they?

23 A They are more advertising of Cake Divas' cakes
24 in publications.

25 Q And looking at 00011 and 12, do you recognize

1 those documents?

2 A Yes, this is an event that we were one of the
3 sponsors that contributed. And on the 000012, you will
4 see a logo down on page 3, yes.

5 Q And CD 00014?

6 A Uh-huh.

7 Q Do you recognize that document?

8 A Yes.

9 Q What is it?

10 A This is actually a web site of Los Angeles
11 cakes, Four Seasons Santa Barbara area, and these are
12 cake vendors that they are recommending, and Cake Divas
13 is on top. We have that exposure as well.

14 Q Okay, and looking at the last page, 00026, do
15 you recognize that page?

16 A Yes. This was -- this was advertising for the
17 Soolip wedding show, which we were part of, and you can
18 see that the floral cake is in the photo on that page as
19 well, the cake.

20 MR. KOBULNICK: Counsel, I'm just going to
21 request if you can provide the color copies of all the
22 exhibits to the court reporter, so

23 MR. GATIEN: Yes. That's what I'm about to do,
24 because I am also concerned that some information is cut
25 off on one of the others.. So ,Leigh, let me have your

1 copy and I will give you mine, which will be the
2 original.

3 THE WITNESS: You got it.

4 MR. GATIEN: But, again, you should have all of
5 these. Do you recall whether the ones that were
6 produced previously were in color?

7 MR. KOBULNICK: They were not in color, and
8 they were also cut off.

9 MR. GATIEN: Okay. Thanks for letting me know.
10 All right. I will be happy to reproduce that as well.

11 THE WITNESS: He's showing you the images.

12 MR. GATIEN: What about them?

13 MR. KOBULNICK: This is what was produced.

14 MR. GATIEN: If anything like that happens,
15 please give me a call, and I will be happy to get you a
16 better copy.

17 MR. KOBULNICK: Do you know how many total
18 exhibits there are?

19 MR. GATIEN: I don't. We are almost there.

20 Okay, that is Exhibit 7 and I would like to
21 submit that now.

22 (Exhibit No. 7 was marked by the Deposition
23 Officer for identification and submission.)

24 MR. KOBULNICK: Do you have a full set of
25 everything that is in color?

1 MR. GATIEN: We'll give that to you today.

2 MR. KOBULNICK: Great.

3 MR. GATIEN: Done.

4 BY MR. GATIEN:

5 Q Have you done any television interviews in
6 connection with your business?

7 A Yes.

8 Q What were those?

9 A We have done -- wow. We did "Al Roker On The
10 Road." We did the "Food" network. We did a piece for
11 the "Style" network. We have done quite a few. Those
12 are interviews, yeah, for television.

13 Q Can you estimate how many television interviews
14 you have done?

15 A No. I have... This is just television, not
16 film, right?

17 Q Well, let me just ask you then, what interviews
18 have you done?

19 A Well, we did the movie "Because I Said So" with
20 Diane Keaton, and there is a whole interview process
21 that's on the outtakes on the DVD, and there was an
22 extensive interview about our business there.

23 Q When was that?

24 A Two years ago. I don't want to say a date.
25 I'm not sure, but I have it.

1 Q Okay.

2 A I bought that.

3 Q What was the name of that again?

4 A "Because I Said So."

5 Q And Al Roker. Were there any others?

6 A Yes, we did a piece on wedding cake styles. We
7 seem to do these interviews where we talk about how to
8 do it cheaper every year at wedding season. We have
9 done them for KTLA. We have done them for the "Food"
10 network. We have done them for the "Style" network. We
11 have -- and that's separate and apart from our own
12 reality show that is currently airing on the WE.

13 Q What is that? What is the name of that show?

14 A "Amazing Wedding Cakes." We are one of three
15 vendors.

16 Q And when did that begin?

17 A Not last December, but the December before. We
18 shot the six episodes, and it's currently running.

19 Q Okay. Let me give you some more documents as
20 Exhibit 8. Can you please look at those and let me know
21 when you are done.

22 MS. SEGALL: Are those Bates stamped?

23 MR. GATIEN: Yes, and the range is 00077
24 through 00103, and I believe it's all sequential.

25 (Exhibit No. 8 was marked by the Deposition

1 Officer for identification and submission.)

2 BY MR. GATIEN:

3 Q Okay. Do you recognize these documents?

4 A Yes, I do.

5 Q What are they?

6 A This is a script for our show that we shot.

7 It's called "Smart Solutions." It was on the HDTV.

8 Q And when did that air approximately?

9 A That was in the year 2000.

10 Q Okay, and what was the show about?

11 A This was -- "Smart Solutions" was about how to
12 figure out like how to decorate roses, how to make them,
13 trying to bring it home to people to do at home. It was
14 more of instructional how to do it.

15 Q When you say roses, do you mean

16 A Buttercream roses and other different kind of
17 flowers. She did -- Joan did a floral and I was there.
18 And, yeah, she just demonstrated it, and it looked so
19 easy, and so she just talked about it.

20 We also did a Martha Stewart around the same
21 time. I just remembered that. Looking at this brought
22 back my memory. We did a segment for Martha Stewart
23 television.

24 Q Do you remember what channel that was on?

25 A It was on a network. It was "Martha Stewart

1 Living." I don't remember the network, but we taped the
2 weekend she got busted.

3 Q That should be easy to pinpoint.

4 Let's talk a little bit about "Roker On The
5 Road."

6 A Okay.

7 Q Do you remember when you shot that show, when
8 you appeared on the show?

9 A I remember it was 2000.

10 Q Okay, and what did you -- what, if anything,
11 did you discuss on the show?

12 A We discussed cakes and we also demonstrated
13 making cakes, and they were very interested in our by
14 I was going to say our bi-plane -- our airplane cake on
15 our web site, which is how they found us and they wanted
16 to talk about cake, how to do it and have us demonstrate
17 it.

18 Q Okay. And you said that it aired around 2000
19 as well?

20 A Yes.

21 Q Have you done any -- outside of the television,
22 which we just discussed, have you done any other
23 advertising or promotion with wedding companies?

24 A Yes. We had participated in the Soolip Wedding
25 Show. We were with Bloomingdale's several years in a

1 row. We have contributed our wares to other wedding
2 shows that we weren't necessarily there, but some of our
3 clients and customers were representing them, and so we
4 made faux cakes for them, and it was detailed. It was
5 Cake Divas' cake and we did GBK events which was a big

6
7 Q What's GBK?

8 A It's the name of an entertainment company in
9 Los Angeles.

10 Q Okay.

11 A And they produced this events for gay weddings
12 right after it was passed, before it was defeated, and
13 it was -- we did a huge cake for that, and we were there
14 representing and giving out samples of our cake as well.

15 Q Okay. Well, let's talk about Soolip. What is
16 Soolip?

17 A Soolip is a paper company, and they produce
18 this annual event, which is a high-end wedding show, and
19 they bring -- like the first year they had Badgley
20 Mischka do the wedding dresses for the fashion show.

21 DEPOSITION OFFICER: I'm sorry, who did the
22 wedding dresses?

23 THE WITNESS: Badgley Mischka. Sometimes it's
24 the New York that comes out.

25 BY MR. GATIEN:

1 Q Let me show you some documents, mark these as
2 Exhibit 9. These are numbered sequentially CD 00039
3 through 48.

4 A Uh-huh. Yes, this is... It's funny. Yeah.

5 Q Do you recognize these documents?

6 A Oh yes, I do.

7 Q What are they?

8 A This is the program for the event called the
9 Soolip Wedding Show for 2003.

10 Q Okay. Is it the entire program?

11 A Pretty much, yeah. Yes.

12 Q Looking at page CD 00041?

13 A Yes.

14 Q Is your company listed anywhere on that page?

15 A Yes, it is.

16 Q Where?

17 A It is down -- it says Cake Divas cake on that
18 page.

19 Q Okay. So did you attend that program?

20 A We did attend that program -- I did attend that
21 program.

22 Q And what did you do there?

23 A I stood around and handed out cake and
24 introduced myself and talked about having your dreams
25 come true.

1 Q Did you do any other promotional activity while
2 you were there?

3 A Handing out business cards.

4 Q Business cards, cake. Anything else?

5 A No. We had dummy cakes there that represented
6 our work, and we had photographs of our cakes there that
7 we were able to stand there and show people different
8 styles of cake and offer them a big diversity of choice.

9 Q Was this a big event?

10 A Yes it is.

11 Q How many people approximately do you think
12 attended that event?

13 A I don't know. Hundreds. I don't know.

14 Q I'm sorry speak up, please.

15 A Like a couple hundred people approximately.

16 Q And are these individuals?

17 A Yes, these are all brides or brides and grooms,
18 bride's with their mothers, bride's with their -- you
19 know, the whole "Magilla." Was that allowed? Am I
20 allowed a foreign language on tape? Sorry about that.

21 MR. GATIEN: I believe you are. Let's
22 introduce that as number 9, please.

23 (Exhibit No. 9 was marked by the Deposition
24 Officer for identification and submission.)

25 BY MR. GATIEN:

1 Q And I just want to get a little

2 A Sure.

3 Q -- backtrack to your advertising for the
4 market. I would like to try to figure out approximately
5 how much money you have spent doing that over the years.
6 Do you recall how much money you have spent advertizing
7 your services under the Cake Divas mark?

8 A I would say to date, approximately \$113,000.

9 Q And when you say to date, when does that
10 what time frame does that cover?

11 A October 15th, '98 to the present day.

12 Q Okay. And let me ask you about your revenues
13 and your sales of goods and services from your mark.
14 What are the total revenue from 1998 to present would
15 you approximate your -- let me start over.

16 What would you approximate your gross revenues
17 for sales of your services and goods under the Cake
18 Divas mark from '98 to the present?

19 A To present, I would approximate it to be about
20 2 million 900 approximately.

21 Q Two million nine hundred?

22 A 900,000, sorry.

23 Q It just seemed very specific.

24 A It's in my mind.

25 Q And what do those revenues -- what are those

1 for?

2 A Those revenues are for cakes and desserts
3 designed and executed and delivered to many different
4 people and their events.

5 Q Okay. And I want to ask you a little bit about
6 your dispute with the defendant in this opposition
7 proceeding.

8 Have you ever received any complaints regarding
9 your use of the Cake Divas mark?

10 A Yes.

11 Q From who?

12 A From Charmaine Jones.

13 Q From anyone else?

14 A No.

15 Q Charmaine Jones is the only person you have
16 ever received a complaint from regarding your use of
17 the Cake Divas name?

18 A Correct. Yes.

19 Q How did that happen?

20 A It was sometime after the Al Roker piece aired,
21 and we received a letter that said cease and desist.

22 Q You received it directly?

23 A Yes.

24 Q Where?

25 A At our home.

1 Q Which address is that?

2 A 1027 Elkgrove Avenue.

3 Q Who was the letter addressed to?

4 A I don't remember.

5 Q Do you have a copy of that letter?

6 A I don't have it on me. I had given it to my
7 former attorney.

8 Q Your former attorney?

9 A Yeah.

10 Q To the best of your knowledge, does she still
11 have that letter?

12 A I don't know. I hope so, but the -- yeah, I
13 don't know the answer to that.

14 Q Okay, but you remember it being around 2000?

15 A No, it was 2003.

16 Q You received that letter in 2003?

17 A Yeah.

18 Q Okay, and what was the nature of the complaint
19 in the letter?

20 A The complaint was prior use, that she had prior
21 use, and that she was a cake dealer and we had to stop
22 using the name.

23 Q Okay. And were you aware of Ms. Jones before
24 receiving that letter?

25 A No, not at all.

1 Q What was your reaction to the letter?

2 A Confusion, disbelief, and I immediately sought
3 legal help.

4 Q In your opinion, were her claims regarding her
5 use of the Cake Diva mark accurate?

6 A Not according to the research that we had done
7 previous to starting our business.

8 Q Okay. And I'm sorry, so what did you do after
9 you received the letter, if anything?

10 A We -- we -- I called an attorney.

11 Q And who was that?

12 A Elizabeth Swanson.

13 Q Okay.

14 A Who was an intellectual properties attorney,
15 and brought the letter to her and said what do we do,
16 what is this.

17 Q How long after receiving it?

18 A Right away. Same day.

19 Q Same day?

20 A Same day. Did not pause.

21 Q And then what happened?

22 A Then we got to her house, she went over it, we
23 went online and we -- she said first things first, and
24 we completed an application for a Federal Trademark.

25 Q So you received the letter, you contacted this

1 attorney. Did you just say you went to her house?

2 A Yes.

3 Q Not her office, her house?

4 A Her office was in her house.

5 Q Her office was in her house?

6 A At that time, yes.

7 Q And she conducted a search?

8 A Yes.

9 Q And then she told you what?

10 A That Charmaine Jones had applied for a
11 trademark like two weeks before us. Well, at that time
12 had you applied for trademark application with the
13 USPTO?

14 A No, at that time we had not.

15 Q She performed a search and she told you
16 Ms. Jones had filed a trademark application

17 MS. SEGALL: Objection.

18 MR. GATIEN: I'm just summarizing what I heard.

19 MR. SEGALL: Objection again.

20 BY MR. GATIEN:

21 Q And that an application had been filed two
22 weeks before you went to her office?

23 A Correct.

24 Q And then what did you do?

25 A We had -- in the discussion that was going on,

1 we immediately filed the application for trademark and I
2 asked at that time, you know, what's -- what do we have
3 to do. I didn't understand any of this. I didn't
4 understand that we needed a federal trademark. I didn't
5 understand why someone in the east coast was contacting
6 us. I didn't understand any of it. I didn't understand
7 why, when we did the search we saw nothing, nothing at
8 all with Cake Diva available or anything like that, and
9 certainly nothing that correlated Charmaine Jones to
10 Cake Diva in any of the places we looked.

11 Q How was Ms. Jones identifying her business?

12 A When -- when -- that was one of the things we
13 did also, is when got the letter, we went online to look
14 up Charmaine Jones to see who she was, and it was
15 Charmaine Jones, very outrageous -- I'm saying the name
16 backwards -- Outrageous Cakes, and there was no Cake
17 Diva in there at all. And she went by Charmaine Jones,
18 and she went by this other name, and there was no Cake
19 Diva.

20 Q Okay. What was your basis for initiating this
21 opposition proceeding?

22 A My basis was that I need my trademark. My
23 business has grown in the last ten and a half years, and
24 I have a lot of branding that's been done, and it would
25 absolutely destroy me to lose this trademark.

1 Q Have you received any complaints from any of
2 your customers regarding stating that they were confused
3 between you and Ms. Jones?

4 A Yes.

5 Q Or your business and Ms. Jones' business?

6 A Yes.

7 Q And what were those complaints? What did they
8 consist of?

9 A Well, we had received numerous phone calls that
10 said -- that asked if we knew that there was another
11 Cake Diva and that they were -- and that she was in
12 New Jersey. And we had also inquiries if we were
13 related, that the companies were the same.

14 The other thing is that when you Google, now
15 it's Google, you know, Cake Diva -- Charmaine Jones
16 comes up as the second listing. And what happened with
17 one of our clients was that she hit the -- browsed the
18 wrong -- she clicked on the wrong click, and she went to
19 Charmaine Jones, and she called Charmaine Jones and
20 spoke with her, and Charmaine was belligerent and very
21 condescending and said some

22 MR. KOBULNICK: I'm just going to object on
23 hearsay grounds on this.

24 THE WITNESS: Okay. Anyway, I asked her to
25 submit a letter to me documenting her conversation with

1 Charmaine Jones, and

2 BY MR. GATIEN:

3 Q Who was this person?

4 A She was a client of -- I don't recall her name.
5 We have a lot of clients.

6 Q Did she call and tell you this?

7 A Yes.

8 Q Okay. And approximately how many calls did you
9 receive complaining about this confusion?

10 A Approximately? I would -- approximately I
11 would say 25.

12 Q Okay, and when did they start approximately?

13 A I would say I published the web site 2000...
14 It was pretty cool for the first couple years. So I
15 would say about 2002 or something like that, it started
16 around then. I'm approximating again, but around then,
17 yeah.

18 Q Is there anything you are doing now to try and
19 avoid this confusion, other than filing this proceeding?

20 A Yes. Every time somebody calls and wants to
21 check out our web site, I say to them it's Cake Divas
22 with a little "s" dot com, so they go directly to our
23 web site and so there is no confusion.

24 Q Okay. In your opinion, if Ms. Jones were
25 granted a trademark registration for the Cake Diva mark,

1 would that affect your business?

2 A Tremendously, yes.

3 Q How so?

4 A People know us as the Cake Divas
5 television-wise, film-wise. We have invested a lot of
6 time and energy in developing this business from nothing
7 to what it is now, and I would lose all of that. I
8 would have to start from scratch. It would destroy us,
9 basically.

10 MR. GATIEN: Thank you. I have no further
11 questions, but I would like to take a short break before
12 turning it over to counsel.

13 MR. KOBULNICK: That's fine.

14 MR. GATIEN: Thank you.

15 (Recess taken.)

16 BY MR. GATIEN:

17 Q Leigh, welcome back. I just wanted to remind
18 you again that you are under oath, and I had one or two
19 questions about your customers.

20 You mentioned that you sell to individual
21 consumers as well as institutions. What would you say
22 the percentage of your sales are to each of those
23 categories?

24 A I would say individuals about 75 percent and 25
25 percent to corporations.

1 Q Okay. And you mentioned that you also sell on
2 the Internet from your web site. What percentage of
3 your customers approximately do you obtain from those
4 sales?

5 A Okay. Well, breaking it down, I would say we
6 get like 60 percent of our sales come directly from the
7 phone to phone, and then let's say 30 percent of them
8 come from the e-mails and the Internet and the phone,
9 and then ten percent are just like walk-ins and such.

10 Q Okay, and regarding your web site, what is the
11 approximate traffic on that per month?

12 A It can -- it's approximately like a 150,000 to
13 200,000 hits.

14 Q Do you know if those are unique hits or that's
15 just total hits?

16 A I don't have the breakdown in front of me, so I
17 can't answer that question properly.

18 MR. GATIEN: Okay. That's all. That's all the
19 questions I have.

20 We're going to turn this over now to Jeff, who
21 will go ahead and do a cross-examination.

22 MR. KOBULNICK: Thank you.

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CROSS-EXAMINATION

1
2 BY MR. KOBULNICK:

3 Q Actually, I will start with the last thing that
4 you just said first quickly. You said 150,000 to
5 200,000 hits. Is that over a certain period of time?

6 A Yeah. I would say I check it about every three
7 months. It could be monthly, it could be -- but I need
8 the breakdown, like printouts. I don't know.

9 Q So you are not sure if those numbers are a
10 monthly total or an annual?

11 A No, it's either monthly or quarterly. That's
12 about when I check it, every quarter, to see my ebb and
13 flow.

14 Q Okay. So I will start by asking you, did you
15 discuss this case at all over lunch?

16 A We had lunch.

17 Q Did you talk about any of the testimony that
18 Joan gave earlier

19 A No.

20 Q -- during lunch?

21 A No.

22 Q Did you talk about what you would be discussing
23 today at your deposition today at lunch?

24 A No.

25 Q Let's talk about your own background a little

1 bit. Now, I understand you are from New York
2 originally, right? Bayside, right?

3 A Guilty.

4 Q Do you travel back east often since you moved
5 out here?

6 A No.

7 Q And when did you move to L.A.?

8 A I originally left New York in '81, moved to
9 Los Angeles.

10 Q Have you ever been back since you have been in
11 L.A.?

12 A Yes.

13 Q And when was the last time you were back?

14 A You mean residence? Can you clarify that?

15 Q To visit or to live there, either way?

16 A I would say I visited there about five years
17 ago.

18 Q And how often do you go there?

19 A Not very.

20 Q Did you have any prior experience owning or
21 operating a business before Cake Divas?

22 A No.

23 Q You are sure?

24 A Yeah. I was just laughing at some of the
25 shenanigans. You know, no, it was not a business.

1 Q Where did you work before starting Cake Divas
2 with Ms. Spitler?

3 A Sure. I was employed by the Los Angeles Gay
4 and Lesbian Center. I was the social rec. programming
5 coordinator.

6 Q I'm sorry, what was that?

7 A Social Recreational Programming Coordinator.
8 (Inaudible comments by the witness and Mr.
9 Kobulnick.)

10 Q Where was that located in L.A.?

11 A That was in Hollywood.

12 Q How long did you work there?

13 A I worked there approximately two years.

14 Q Had you ever been in any business relating to
15 cakes or desserts before Cake Divas?

16 A No.

17 Q You talked quite a bit about October 15th,
18 1998. That was a big day for your business, right?

19 A (Nods)

20 Q I would like to kind of go through that day in
21 a little more detail, and I would like you to walk me
22 through exactly everything that you accomplished in that
23 day to make sure I have a clear understanding.

24 If I understand your testimony correctly, you
25 called hundreds -- how many caterers did you say you

1 were reaching out to, to introduce the company to them
2 and to also try and find kitchen space? Did you do that
3 on October 15th?

4 A No.

5 Q When did you start doing that?

6 A I started doing that, a week -- seven days
7 prior to the end of August in '98.

8 Q How many people did you call to try and find
9 kitchen space?

10 A I'm going to say approximately 25 people.

11 Q And on October 15th, 1998, by then you already
12 had a kitchen space secured?

13 A Yes.

14 Q And where was that kitchen space located?

15 A 9626 Venice Boulevard, California -- Culver
16 City, California 90232.

17 Q Did you ever have any other place of business,
18 any other address besides that address on Venice
19 Boulevard for Cake Divas?

20 A Yes.

21 Q What was that address?

22 A Can I get a clarification, because that's
23 confusing me.

24 Q Sure. Other than the 9626 Venice Boulevard
25 address, were there any other facility addresses that

1 you used for your business?

2 A Again, that's still confusing with the word
3 "facility."

4 Q Okay. Let me try it again. Was there any
5 address that you used for the production of cakes?

6 MR. GATIEN: I'm sorry. Do you mean at that
7 time or afterwards or at any time?

8 MR. KOBULNICK: I will clarify.

9 BY MR. KOBULNICK:

10 Q As of October 15th, 1998, have there been any
11 other locations?

12 A No..

13 Q Okay, and as of October 15th, 1998, the only
14 location was at 9626 Venice Boulevard?

15 A Correct.

16 Q Okay. The fictitious business name statement,
17 which was filed, which we identified earlier today as
18 Exhibit 1 to Joan Spitler's testimony, has another
19 address on it in Marina Del Rey, 4051 Glencoe, Suite 7,
20 Marina Del Rey, right?

21 A Yes.

22 Q Can you tell me what address that is?

23 A Yes. That is the original kitchen we
24 negotiated that we thought we were going to be able to
25 start our business there.

1 Q When did you have that location secured for

2 A A month prior. We had found that space
3 approximately the end of July, beginning of August. And
4 we had negotiated a deal with that space to move in on
5 October 1st.

6 Q And then why didn't you move in on October 1st?

7 A The reason we didn't move in is because they
8 had a change in management, and the original arrangement
9 was -- the rent was originally supposed to be \$500 a
10 month, and the new person made it \$2,500 a month, which
11 was -- made it impossible for me to pay for all the
12 bills, and we needed to find another location to start
13 our business.

14 Q So is it safe to say by October 1st, 1998, you
15 weren't exactly on good terms with the people at the
16 address in Marina Del Rey you just said?

17 A Again, I need clarification.

18 Q Sure. Did you have any close professional
19 relationship with anyone at that address as of
20 October 1, 1998?

21 A Again, clarification with the word "close."

22 Q Did you have any existing personal -- I'm
23 sorry. Did you have any existing relationship with
24 anyone at that address as of October 1, 1998?

25 A Not in terms of -- no.

1 Q Were you in contact with anybody at that
2 address

3 A Yes.

4 Q -- after October 1, 1998?

5 A Yes.

6 Q Who were you in contact with after October 1,
7 1998 at that address?

8 A The chef.

9 Q Who is the chef?

10 A His name, I cannot recall.

11 Q Did you conduct business with that facility
12 after October 1, 1998?

13 A Yes, we did.

14 MR. GATIEN: I'm sorry, what facility? I'm not
15 sure that was clear.

16 BY MR. KOBULNICK:

17 Q All of these questions, tell me if your
18 understanding is the same, we are talking about the
19 facility located

20 A In Marina Del Rey.

21 Q -- in Marina Del Rey located at 1027 Glencoe?

22 A Yes, sir.

23 Q When did you set up the facility at 9626 Venice
24 Boulevard?

25 A We moved into 9626 Venice Boulevard on October

1 1st.

2 Q And how fast after that were you able to
3 actually produce cakes and fulfill orders?

4 A Fifteen days -- until October 15th, we started
5 producing -- we started filling orders.

6 Q Were you the person who registered the
7 cakedivas.com domain name?

8 A Yes.

9 Q When did you register that domain name?

10 A I don't know the exact date. I can give you an
11 approximation.

12 Q Okay. When do you approximate?

13 A I would approximate -- I would approximate
14 August of '98.

15 Q Are you certain about that date?

16 A Well, I'm certain it was in that time period,
17 yes.

18 Q At that time, did you also search to see if
19 other domain names were available?

20 A Yes.

21 Q What other domain names did you search?

22 A I searched Cake Divas, but I searched it as a
23 domain name availability and to see if anything existed,
24 like on the server, to see if anything came up through a
25 couple of different browsers.

1 Q Did you also search to see if the domain name
2 cakediva.com was available?

3 A It was available, because when I put in the
4 search, that came up as a choice of availability at the
5 time.

6 Q But you didn't purchase cakediva.com?

7 A Correct, yes.

8 Q You only purchased cakedivas.com?

9 A Correct.

10 Q Did you purchase any other domain names?

11 A Not at that time.

12 Q You testified earlier that you registered the
13 cakedivas.net domain name?

14 A Uh-huh.

15 Q Is that correct?

16 A Yes.

17 Q And that that web site currently reverts to
18 your home page on the .com, is that correct?

19 A No, I didn't -- no. I said I purchased it.
20 It's supposed to, but I don't know if the link is still
21 intact.

22 Q But you own it?

23 A I do own it, yes.

24 Q Is it correct that you also conducted searches
25 on the Internet to determine whether Cake Divas might be

1 available as a trademark when you first came up with the
2 name?

3 A Yes, instantly, yes.

4 Q Tell me about those searches. What kind of
5 searches did you conduct on the Internet?

6 A Well, the first one I conducted was just to see
7 if there would be a response by typing in the words Cake
8 Divas as separate words and as joint words. There was
9 no web site available at the time, and then I went to
10 purchase, through Network Solutions, Cake Divas.

11 Q When you say you typed in Cake Divas, did you
12 type it into a search engine?

13 A Yes.

14 Q Which search engine?

15 A Initially I used AOL, which was the largest
16 search engine at the time.

17 Q Did you use any other search engines?

18 A I can't recall.

19 Q Did you print out any search results?

20 A No. There were no search results.

21 Q So you got zero hits?

22 A When I went to look for cakedivas.com, that is
23 correct, I got zero hits.

24 Q So did you specifically look for only the web
25 site cakedivas.com? Or did you also look for the term

1 cake and diva?

2 A I put all of those in, in my search.

3 Q Okay. Did you run separate searches for the
4 word diva and for the word cake?

5 A Yes.

6 Q So you searched each word separately as
7 separate searches?

8 A Correct.

9 Q About how many hits did you get?

10 A Well, cake was unbelievably long. I mean,
11 there were like pages and pages and pages of cake.

12 Divas, it was nothing related to desserts or
13 cakes at the time. It was all music and other kind of
14 sundry things -- but there really was nothing in
15 relation to cake at all.

16 Q Did you ever check the United States Patent and
17 Trademark database office?

18 A Can you clarify?

19 Q Did you ever -- sure.

20 Have you ever personally accessed the U.S.
21 Patent and Trademark web site?

22 A Yes.

23 Q When did you first access that web site?

24 A It's when we applied for our trademark.

25 Q In 2003?

1 A Correct.

2 Q Did you conduct any other trademark searches
3 other than using AOL?

4 A Me personally?

5 Q Yes.

6 A Well, Network Solutions, like I said.

7 Q To check for domain name, right?

8 A Domain name, right, which is looking on the
9 Internet for occupation and location. And

10 Q Did you engage counsel to perform a formal
11 trademark search?

12 A Not at that time, no.

13 Q Did anyone else perform a trademark search on
14 your behalf in 1998 or 1999 or 2000?

15 A Not counsel. Joan, when registering for our
16 business license, did searches.

17 Q And we talked about those earlier.

18 Do you have any documentation to show what
19 searches were conducted initially? Did you save any
20 information about those searches?

21 A No.

22 Q Why did you decide to only purchase
23 cakedivas.com and not cakediva.com?

24 A Because I didn't think it would be an issue.

25 Q Okay, had you registered any domain names

1 before, besides cakedivas.com?

2 A No.

3 Q So you set up a Network Solutions account that
4 day when you purchased cakedivas.com?

5 A That's correct.

6 Q Did you ever consult with anyone regarding the
7 availability of Cake Divas as a trademark?

8 A Clarify.

9 Q Did you ever ask anyone else whether you might
10 be able to have trademark rights in the terms Cake
11 Divas?

12 A Yes.

13 Q Who?

14 A I had spoken with my brother, who is an
15 attorney, and -- about the issue.

16 Q What is your brother's name?

17 A Matthew Grode.

18 Q Where does he practice?

19 A Los Angeles.

20 Q Is he with a firm?

21 A Yes.

22 Q Which firm does he work at?

23 A (No audible response.)

24 Q Do you know what area he specializes in?

25 A Yes. Real estate and business.

1 Q You started using your web site in 2000, is
2 that right?

3 A Yes.

4 Q So there was nothing on the web site between
5 1998 and 2000?

6 A Just a notice that it was under construction.

7 Q Have you produced any documents that show what
8 was on the web site during that time?

9 A No.

10 Q Do you have any documents that show what was on
11 the web site

12 A No.

13 Q -- during that time?

14 So the only documents that you have are what
15 have been produced so far?

16 A Yes.

17 Q When in 2000 did you start putting content on
18 your web site?

19 A I don't have that date.

20 Q Do you recall if it was earlier in the year or
21 later in the year?

22 A I don't recall.

23 Q Was that the first time that you were making a
24 large splash using the Cake Divas mark?

25 A Yes.

1 Q Was that first time, to your knowledge, someone
2 outside of California knew about you?

3 A Not at that time.

4 Q When was the first time that someone

5 MR. GATIEN: Objection. It calls for
6 speculation.

7 BY MR. KOBULNICK:

8 Q To the best of your knowledge, when was the
9 first time that you did business with someone outside of
10 California as Cake Divas?

11 A I would say the first thing out of state was
12 when we did Las Vegas Weddings, and I think it was 2000,
13 and we made a wedding cake and it was televised.

14 Q When in 2000, if you recall?

15 A I'm going to approximate the middle of the
16 year, like September.

17 Q I'm sorry, you said September?

18 A September.

19 Q So was that the first quarter that was
20 actually forget that. Sorry.

21 Up until the Las Vegas Weddings event, all your
22 orders had been in California?

23 A Yes.

24 Q Were all of them in Los Angeles?

25 A No.

1 Q You said that you basically run the business?

2 A Yes.,

3 Q So I'm going to ask you some questions about
4 your day-to-day business practices.

5 How do you -- and when I say you, I mean you
6 and Cake Divas the business. How do you keep track of
7 your customer lists? Do you do this electronically in a
8 computer database or in paper files or some other
9 Rolodex or some other way?

10 A Can you clarify?

11 Q Do you maintain a database of all of your
12 clients?

13 A Not directly, no.

14 Q Do you maintain some sort of a phone book that
15 lists all of them?

16 A No.

17 Q So do you keep your client information in
18 specific client files?

19 A Yes.

20 Q And are those files by client name or date of
21 the order?

22 A Date of the order.

23 Q So if somebody orders a cake from you on two
24 different dates, they will have two files?

25 A I need a clarification on the word "file."

1 Q Do you keep physical manila or any other type
2 of file folders for each project?

3 A No.

4 Q So what type of files do you keep?

5 A Invoice.

6 Q What do you mean by that?

7 A We do a month-to-month reckoning of all the
8 cakes we made in a month, or we have order forms for
9 future orders, and those are kept in loose-leaf folders,
10 files. That's why I wanted to clarify.

11 Q So in binder clips?

12 A Yeah.

13 Q So do you use a computer to keep that
14 information? Or is it all kept in paper form and
15 binders?

16 A It's kept in paper form.

17 Q And it's always been in paper form?

18 A Yes.

19 Q Do you maintain those binders at home or
20 somewhere else?

21 A At our business location.

22 Q So you have no electronic records, just binders
23 for your business?

24 A Can you clarify that?

25 Q Sure. Are there any records that you keep for

1 your business on computer?

2 A Again, that's a weird, confusing question.

3 Q Let me try it a different way.

4 The orders that are placed, when you get that
5 information, do you hand write it and put it in a
6 binder?

7 A Yes.

8 Q And none of that ever gets entered into a
9 computer?

10 A Correct.

11 Q And when you invoice a client, how do you
12 create those invoices, by handwriting

13 A That's

14 Q -- or computer?

15 A That's done on the computer.

16 Q Do you save the invoices on the computer or do
17 you print them and not save them?

18 A Print them and not save them.

19 Q Okay, so you don't save invoices at all in the
20 computer?

21 A Not intentionally.

22 Q Do you still have records going back to the
23 beginning of your business?

24 A Yes.'

25 Q And those are all located at the business

1 address on Venice Boulevard?

2 A No.

3 Q Where are those located from 1998?

4 A Those are at our home.

5 Q So some of your records are at your home and
6 some are at your business address?

7 A Correct.

8 Q So the older ones are at home?

9 A Correct.

10 Q How long -- is it safe to say you keep records
11 and don't destroy them?

12 A Correct.

13 Q How did you keep track of potential customers
14 who were starting to call in the early days?

15 A I didn't.

16 Q Okay. Before your web site went live in 2000,
17

18 A Yeah.

19 Q -- how did you get the word out about your
20 business?

21 A By participating in events.

22 Q Such as the Bloomingdale's Wedding Show, which
23 was, I believe, in 2000 also?

24 A Yes, but similar kind of -- we would make a lot
25 of donations and find out what kind of activities, and

1 we would show up with a cake.

2 Q Were you receiving orders before 2000 or were
3 you just putting the cakes into events?

4 A No, we were receiving orders.

5 Q Where else did you advertise, if anywhere?

6 A The Yellow Pages.

7 Q Starting what years?

8 A 1998.

9 Q Do you still have a copy of that ad?

10 A I gave that all up to, my file box, that went
11 to the attorneys.

12 Q So you produced the Yellow Pages ads to your
13 attorneys?

14 A I believe so.

15 Q I don't believe we have seen that produced.

16 When a potential new client contacted you, was
17 it always by telephone?

18 A Usually, yes.

19 Q And you fielded all those calls personally?

20 A At the beginning, yes.

21 Q So walk us through the steps when someone
22 called you to make an initial contact from day one, to
23 the final delivery of the product and sending a final
24 invoice to them. Tell me how that goes.

25 A Clarification. Today or in the beginning?

1 Q In the beginning, yeah.

2 A Somebody calls, I answer the phone, hello, Cake
3 Divas

4 Q You had a separate phone number for the
5 business?

6 A Yes, which we established the -- the 399-2499
7 was the original Cake Divas number.

8 Q When was that number established.

9 A 1998.

10 Q Was it in the name of a person or the company?

11 A Cake Divas.

12 Q Okay.

13 A And we would -- at that time we had a much
14 smaller space in the building, so we would go out to
15 meet people at their locations. So we would make
16 appointments and then we would make samples and we would
17 go to their house, and we would sit down and we would
18 design their dreams, and then we would taste the cakes
19 and they would figure out what their flavors were, and
20 before we left, we decided on price. And then it
21 depended if they were going -- they would normally pay
22 us a deposit, and then we would leave them with a copy
23 of the design of the cake, which is the first stage, and
24 then we would leave.

25 Q And you would leave them with a copy

1 A With a copy.

2 Q You would make a photocopy on the spot?

3 A No. Joanie was very good at drawing, and she
4 would make two copies at the same time fast, and so we
5 would leave them with a copy of it, and then the next
6 step would be we needed to receive the final count,
7 which we asked for at that time, two weeks before, of
8 how many guests, because we would guesstimate the size
9 of the cake according to what they think their guest
10 count would be, and then we would finalize that two
11 weeks before. So we would adjust any numbers that
12 needed to be adjusted, and then we would bake and make
13 the cake and spoke to them, do whatever, and we would
14 show up and deliver the cake ourselves.

15 Q Was there a formal work order or proposal that
16 was sent to the client before the cake was delivered?

17 A No, because the sketch was -- that was the work
18 order, and that was the paperwork that was utilized with
19 our name and our phone number and all that contact, and
20 then we would staple a business card on to the order,
21 and that would be it.

22 Q So Joan would draw the sketch, the two of you
23 met with the client together, she would draw the sketch,
24 you would agree on the way it was going to look, attach
25 your business card, leave them with a copy, and that was

1 all the paperwork you provided?

2 A Correct.

3 Q Did you provide any further paperwork to the
4 client later?

5 A No.

6 Q What about invoices?

7 A At that time it depended. If we were going to
8 someone's house to -- we didn't take credit cards, so we
9 didn't bill or anything like that. So at that time, we
10 would draw a sketch and if they asked for an invoice, we
11 would create an invoice with the format that you have
12 seen previously, and we would give them the invoice.
13 But a lot of times, in the very beginning, it was just
14 that sketch with our name on it. That was the invoice.

15 Q Who designed the logo of the woman on top of a
16 cake?

17 A My step sister Lauren Smalenoff,
18 S-m-a-l-e-n-o-f-f.

19 Q And what is the woman supposed to be on top of
20 the cake? What does that reflect?

21 A Some "funky Sheila."

22 Q A what?

23 A Funky Sheila, kind of like Joan Sexy.

24 Q You said you attended a number of events. You
25 talked about Soolip, GBK and Bloomingdale's. Where was

1 Caterer's Source held in 2007?

2 A You are a smart guy. It was held in Las Vegas.

3 Q Have you ever attended any other Caterer's
4 Source events?

5 A No.

6 Q Just the one in 2007?

7 A (Laughter)

8 Q That was your first and only Caterer's Source
9 event?

10 A You got it.

11 Q Have there been only -- how many Soolip events
12 have you attended?

13 A We attended three Soolip events.

14 Q And when was the first one?

15 A Three.

16 Q Was that the 2003 event?

17 A Three, yes.

18 Q You are sure?

19 A Yeah, that's the first one.

20 Q And when were the subsequent ones that you
21 attended?

22 A Subsequent ones was 2004, and then I think we
23 took a year, possibly two off, and then we did a Soolip
24 show a year ago.

25 Q 2008?

1 A Approximately. It was a year -- they just had
2 another one. So this is 2009, so yeah, it was 2008.

3 Q Are they usually at the same time of the year?

4 A Yes.

5 Q Spring?

6 A Yes. Try to get the bride's before they...

7 Q What is 4 P.M. Events?

8 A 4 P.M. Events is a production company that took
9 over the production of Soolip.

10 Q And the first wedding show that you attended
11 was Bloomingdale's in 2004, correct?

12 A Yes.

13 Q Have you attended any other trade shows that we
14 haven't talked about yet?

15 A Yes.

16 Q Which ones?

17 A There was -- I don't remember the name of it.

18 MR. GATIEN: Leigh, if it helps, we can go back
19 through the record and they can tell you which ones you
20 mentioned earlier.

21 THE WITNESS: I don't know if I mentioned this
22 one earlier.

23 MR. KOBULNICK: I'm sorry, go ahead.

24 THE WITNESS: But I would like to do that.

25 MR. GATIEN: Okay, can we do that?

1 MR. KOBULNICK: Well, I don't think we have
2 talked about trade shows, other than Caterer's Source so
3 far. We talked about wedding shows.

4 THE WITNESS: They are kind of the same thing.

5 MR. KOBULNICK: Okay.

6 THE WITNESS: They are interchangeable.

7 BY MR. KOBULNICK:

8 Q Yeah, I mean, we can go back.

9 Actually, before we do that, let me ask you a
10 couple of questions on that, and then we can go back.

11 Are you familiar with the ISIS trade show?

12 A Yes.

13 Q Have you been to the ISIS trade show?

14 A Well, clarification.

15 Q Sure.

16 A It's

17 Q From you or from me?

18 A From you and for me.

19 Q When did you first attend the ISIS trade show?

20 A I don't remember the first time we have been
21 involved. We have been doing it for quite a number of
22 years, but the clarification I want to make is that it's
23 not a trade show, it's a different forum.

24 Q How so?

25 A Okay. The ISIS is an organizations that's made

1 up of wedding and party planers, and they meet on a
2 month-to-month basis and have these different organized
3 events at different venues and such. We have provided
4 the cakes to those events well over ten times already.
5 Exact dates, I do not recall.

6 Q Have you always been -- let me rephrase that.
7 Have you ever been a participant at the trade show, as
8 well as the provider of cake?

9 A What do you mean by participant?

10 Q Do you go as an attendee to these events?

11 A A little more clarification.

12 Q Are you a guest at the events, or are you a
13 vendor?

14 A Both.

15 Q You are both, okay.

16 Do you know when the first ISIS trade show
17 event was that you went to?

18 A No.

19 Q Was it before 2000?

20 A I'm going to have to say -- I don't want to
21 guesstimate, but we did Soolip and then the ISIS show.

22 Q You said Soolip was 2003?

23 A Right.

24 Q So it had to be after that?

25 A Correct.

1 Q Do you subscribe to any trade magazines?

2 A No.

3 Q Do you subscribe to any magazines?

4 A No.

5 Q Since 1998, have you subscribed to any
6 magazines?

7 A Yeah.

8 Q What magazines?

9 A "People" magazine; "Soap Opera" magazines.

10 Q Any others?

11 A No. Oh, me? You are asking me about me?

12 Q Yes.

13 A Okay.

14 Q And has the company subscribed to any
15 magazines?

16 A Not a subscription, no.

17 Q Have you subscribed to "People" magazine since
18 1998?

19 A Yes.

20 Q Non-stop till present date?

21 A No.

22 Q Okay. When did you first start -- well, let me
23 rephrase that.

24 As of 1998, you were subscribing to "People"
25 magazine?

1 A No.

2 Q When did you first subscribe to "People"
3 magazine?

4 A It was a birthday present, so... Twelve years
5 ago.

6 Q Twelve years ago. And was there a gap, a time
7 when you didn't receive the magazine?

8 A Yes.

9 Q Okay, how long of a gap?

10 A Ten years.

11 Q Ten years.

12 A (No audible response)

13 Q And "Soap Opera" magazine?

14 A I don't subscribe to it anymore.

15 Q In 1998 you were subscribing to it?

16 A No.

17 Q When did you first subscribe to "Soap Opera"
18 magazine?

19 A About five years ago.

20 Q You said that your approximate advertising
21 expenses were \$113,000 to date?

22 A Uh-huh.

23 Q How did you come up with approximately
24 \$113,000?

25 A We were previously asked to submit information,

1 and totaled up all those numbers.

2 Q Who asked you to provide that information?

3 A When we started this pursuit, our attorneys.

4 Q So Keats, McFarland?

5 A Yes.

6 Q And how did you calculate those numbers?

7 A Those numbers had to do with donations and how
8 many cakes we made and the services provided with that,
9 and that's on an annual basis.

10 Q Okay.

11 A And also the donations that we made and gift
12 certificates that we gave out.

13 Q What documents did you look at to piece that
14 together?

15 A We wrote up slips, like invoices, kind of like,
16 you know, nonchargeable ink, but we had a paperwork
17 trail for all the things we donated.

18 Q So you went through the binders?

19 A The files, yes.

20 Q What date was the first television show that
21 you were a part of?

22 A I don't recall.

23 Q Was Al Roker the first one?

24 A No. Actually the Las Vegas Weddings was before
25 Al Roker.

1 Q In 2000?

2 A Yeah. Yeah.

3 Q I'm sorry...

4 The same day that you received the cease and
5 desist letter, you went to Elizabeth Swanson's home?

6 A Right.

7 Q And that same day is when Miss Swanson did the
8 search and found our client's prior application on file?

9 A Correct.

10 Q And that was the same day you filed your
11 trademark application?

12 A Correct.

13 Q And that happened all on the same day, August
14 4th, 2003?

15 A Correct.

16 MR. KOBULNICK: I think I would like to take a
17 break, and then we'll be done.

18 (Recess taken.)

19 BY MR. KOBULNICK:

20 Q Okay. So, Ms. Grode, you talked about an
21 estimated \$2.9 million in sales?

22 A Yes.

23 Q Okay. Can you break that down for us a bit and
24 tell us what amount of that was in 1998?

25 A No.

1 Q Are you able to break it down at all between
2 1998 and any year?

3 A Not at this time. It's all been written down
4 and submitted to my attorney.

5 Q Do you have any recollection as to
6 approximately how much sales you had in 1998?

7 A No.

8 Q You were talking about -- as part of that
9 \$2.9 million -- I'm sorry, no.

10 As part of the \$113,000 in advertising you were
11 talking about, how much of that was contributed towards
12 actual payments for placing ads in the media?

13 A Clarify.

14 Q As opposed to donations?

15 A Clarify again.

16 Q In other words, how much did you spend in real
17 dollars as opposed to donating cakes that may have had a
18 monetary value. Does that make sense?

19 A Yeah. I'm unclear how to answer the question.

20 Q Do you understand the question?

21 A Yeah, I'm confused in a certain way, yeah.

22 Q Okay, I could try to ask it a different way.

23 A Okay.

24 Q What was the approximate value of the cakes or
25 other desserts that were donated as part of that

1 \$113,000 figure?

2 A I would say percentage-wise probably 90
3 percent.

4 Q Okay. So about 90 percent was donated. So
5 about ten percent, so roughly 11,300 of the \$113,000 was
6 cash that you had to lay out for advertising?

7 A No. I would have to say no. When you break
8 down the numbers like that, I don't know how to proceed.

9 MR. KLAFTER: If you don't know, don't guess.

10 THE WITNESS: I'm not -- I'm not going to
11 guess. Can I take a break for a second?

12 MR. KOBULNICK: Yeah.

13 THE WITNESS: To consult with counsel? Is that
14 okay or no? I just need to clarify.

15 MR. KOBULNICK: Do you want me to re-ask the
16 question a different way? Would that help? I mean, if
17 you don't understand the question, tell me and I will
18 ask it a different way, but I think you understand the
19 question.

20 THE WITNESS: I understand the question, but
21 it's just we're in a way I can't really answer it. It's
22 like I have a -- that I want to get the funds.

23 MR. GATIEN: Is there an issue of privilege
24 here or something, Leigh?

25 MR. KLAFTER: Can we confer with her, just to

1 make sure

2 MR. GATIEN: We can't. You know, I'm trying
3 to...

4 THE WITNESS: I'm confused, I'm just like,
5 uh...

6 MR. KOBULNICK: Is it because you have a
7 question as to whether certain advertising should be
8 considered in one category

9 THE WITNESS: Yes.

10 MR. KOBULNICK: -- versus another?

11 THE WITNESS: Correct.

12 MR. KOBULNICK: Okay.

13 THE WITNESS: Yes.

14 MR. KOBULNICK: Let me ask it a different way.

15 THE WITNESS: Okay.

16 BY MR. KOBULNICK:

17 Q You said that the company established a bank
18 account?

19 A Yes.

20 Q How much money was spent from the company's
21 bank account on advertising?

22 A (No audible response)

23 Q You are in the same situation?

24 A I'm in the same situation.

25 Q Were checks written for advertising?

1 A There were checks written, yes.

2 Q Okay. Was payment made in any other way from
3 the company for advertising? Cash?

4 A No. No, but -- I would say that the -- what
5 did you say the number was, the ten percent was?

6 Q Well, you said that approximately 90 percent
7 was promotional?

8 A Yes.

9 Q So that means that the other ten percent would
10 be that you paid?

11 A Yes.

12 Q And you said initially 113,000 was the total?

13 A Yes.

14 Q So I took ten percent, and that's \$11,300.
15 that's ten percent of \$113,000.

16 A I'm counting in my head. I would say it would
17 be less than that.

18 Q Okay. So less than ten percent of the 113,000
19 was actually spent from cash or your

20 A Check.

21 Q -- or your own check?

22 A Yeah. Yeah.

23 Q And the rest of it, approximately 90 percent,
24 was an exchange of providing free desserts

25 A Yes.

1 Q -- or cakes, so that you could promote your
2 name?

3 A Correct.

4 Q Okay, thank you.

5 All right, let's go back to the early days, if
6 you will. On September 2nd, 1998, Joan filed a
7 fictitious business name statement.

8 A Uh-huh.

9 Q And we have already identified that as Bates
10 number 62 and part of Exhibit 1

11 A Uh-huh.

12 Q -- to Joan's deposition testimony.

13 That fictitious business name statement lists
14 two addresses.

15 A Uh-huh.

16 Q One is 4051 Glencoe, Suite 7, Marina Del Rey.

17 A Uh-huh.

18 Q The other, I believe, is your home address 1026
19 Elkgrove Avenue.

20 A Uh-huh.

21 Q So as of September 2nd, 1998, you firmly
22 believed that you would be operating business at that
23 address on Glencoe?

24 A No -- oh, Glencoe, yes.

25 Q So sometime between September 2nd and October

1 1st, when you entered into the other address on Venice
2 Boulevard

3 A Yes.

4 Q -- is when it became apparent that that
5 arrangement was not going to work?

6 A Correct.

7 Q The publication in the Clarion newspaper, and
8 which was also produced and attached as part of
9 Exhibit 1 to Miss Spitler's deposition transcript, has
10 publication dates that Miss Spitler testified to on
11 September 3rd, 10th, 17th and 24th, 1998.

12 A Yes.

13 Q As of September 24th, 1998, was the business
14 still going to be located at 4051 Glencoe, Suite 7,
15 Marina Del Rey?

16 A I believe, yes.

17 Q So as of September 24th, 1998, you were still
18 set to start your business kitchen facilities

19 A Yes.

20 Q -- production facilities

21 A Yes.

22 Q -- at that address?

23 A Yes.

24 Q So it was between September 24th and October
25 1st

1 A That's correct.

2 Q -- that you realized that you had to find a
3 different location?

4 A Correct.

5 Q So within a period of seven days

6 A Yes.

7 Q -- you found a new location?

8 A Yes.

9 Q And moved into it?

10 A Correct.

11 Q And had a working kitchen?

12 A Yes.

13 Q And you had utilities turned on?

14 A Yes.

15 Q And you had all your cooking utensils?

16 A Yes.

17 Q All your pots, pans, tools?

18 A They would -- yes. Yes.

19 Q And you were fully up and running within that
20 seven-day period from September 24th till October 1st,
21 you were able to get into a whole different place, and
22 get an entire functional kitchen in place and actually
23 start taking orders and fulfilling them

24 A Yes.

25 Q -- within that seven days?

1 A Yes.

2 Q Okay. And between that time, between September
3 24th and October 1, you were also working on reaching
4 out to caterers and people within the industry, right?

5 A Yes.

6 Q To try to get business?

7 A Clarification.

8 Q You were making phone calls -- as I understand
9 your prior testimony, you were making phone calls that
10 last week of September to find a new kitchen.

11 A Correct.

12 Q Primarily, that was your goal?

13 A Correct.

14 Q Did you have to order a different oven for the
15 location you ultimately moved into on October 1st?

16 A No.

17 Q You were able to use the same oven that you
18 were originally going to use in the prior location?

19 A No.

20 Q There was already an oven?

21 A Correct.

22 Q Okay. Was there already any company -- never
23 mind.

24 Okay, let's talk a little bit more about
25 October 15th, 1998 again.

1 Let's see exhibits -- going back to what you
2 have marked as Exhibit 2, which was

3 A Uh-huh.

4 Q Yes, that document.

5 A Yes.

6 Q You recognize it?

7 A Yes.

8 Q Can you please tell me what it says next to the
9 re: line on Exhibit 2?

10 A Bid for Marlboro 500.

11 Q Okay, so this is a bid, not an invoice,
12 correct?

13 A No.

14 Q No, it's not a bid? Or no, I'm not correct?

15 A No, you are not correct.

16 Q How is this an invoice?

17 A Because it serves as both.

18 Q Was this document ever sent to California
19 Celebrations?

20 A Yes.

21 Q Who sent it?

22 A Joan.

23 Q How was it sent to them?

24 A Fax.

25 Q Did you keep a fax cover -- I'm sorry. Did you

1 keep a fax transmission receipt?

2 A I don't know.

3 Q There is handwriting on this document. Whose
4 handwriting is it?

5 A May I see it?

6 Q Sure.

7 A That's Joanie's.

8 Q All of it?

9 A I'm looking. I'm looking. Yeah. Yeah, that's
10 Joanie's.

11 Q Okay. Who was the contact person at California
12 Celebrations for this order?

13 A Can I see it again?

14 Q Sure.

15 A Oh, I believe this is his name, Leonel, was the
16 chef, I believe.

17 Q That's the chef?

18 A I believe so.

19 Q Okay, who contacted who to start this order?

20 A I need clarification.

21 Q Did you know Leonel before this order was
22 placed?

23 A Yes.

24 Q How did you know Leonel before this order was
25 placed?

1 A This is the space that we were going to move
2 into.

3 Q Same space?

4 A Yes.

5 Q And was Leonel the -- was Leonel involved with
6 your negotiations of the space at all?

7 A The initial negotiations.

8 Q So he helped strike the first deal that looked
9 good?

10 A Correct.

11 Q How did you know -- how did you first meet
12 Leonel?

13 A I don't recall.

14 Q Was there any personal relationship to him
15 before you were looking for an alternative -- I'm sorry,
16 strike that. Same location.

17 Did this order come in by phone?

18 A Actually, I believe we wrote this order when we
19 went in to negotiate the space.

20 Q Okay, but the space was already negotiated as
21 of September 2nd, you said, based on the fictitious
22 business name statement, correct?

23 A Yeah, through conversation -- yes. Yes.

24 Q But this document wasn't drafted on
25 September 2nd, correct?

1 A Actually, this was -- I don't know the answer
2 to that.

3 Q There is a date at the top of this document,
4 isn't there?

5 A Yes.

6 Q What is the date?

7 A October 15th, 1998.

8 Q So is there anything that would lead you to
9 believe that this document was drafted before
10 October 15th, 1998?

11 A Yes.

12 Q What?

13 A That this document was to say that the order
14 was on October 15th, 1998.

15 Q Are you reading October 15th, 1998 to mean a
16 delivery date?

17 A Correct.

18 Q Under invoices, do you typically specify the
19 words delivery date with an invoice?

20 A Then or now?

21 Q Then.

22 A No.

23 Q What about in early 1999, would you have
24 specified delivery date with a delivery date?

25 A We didn't utilize those words.

1 Q Let me show you for a moment what's been marked
2 as Exhibit 3 to your deposition.

3 A Right.

4 Q Do you see where it says the words delivery
5 date?

6 A Right.

7 Q So as of a few months after the date of
8 Exhibit 2, you were using the words delivery date when
9 you meant to imply delivery date, isn't that correct?

10 A You are correct. You are absolutely correct.

11 Q So in October of 1998, you didn't use the words
12 delivery date, but you are saying that that is a
13 delivery date?

14 A This was -- that -- this was -- hmm. Can I
15 clarify?

16 Q Please.

17 A Okay. This is one of our first orders,
18 official orders, and we didn't think through the "date
19 of order" and "date of delivery." After we started
20 doing our business a little, we realized that we had
21 that need and I made the change. And even still, we
22 didn't write down the date of order and that would come
23 later. That's really what happened.

24 Q When Leonel placed the order with you

25 A Uh-huh.

1 Q -- initially it included everything that is on
2 that page, including what has been scratched out?

3 A Yeah.

4 Q And then who modified the order?

5 A He did.

6 Q Did you ever meet with him when he first
7 expressed an interest in placing an order with you?

8 A I need a clarification.

9 Q Well, earlier you testified that the process
10 was when a new customer contacted you

11 A Right.

12 Q -- it was by phone?

13 A Right.

14 Q And then you went and met with them at their
15 location?

16 A Right.

17 Q Joan went with you?

18 A Right.

19 Q And you did a sketch.

20 A Right.

21 Q You provided them with a sketch with the
22 stapled

23 A Right.

24 Q -- with an attached business card?

25 A Right.

1 Q Did you have such a meeting with Leonel?

2 A No, this came before that.

3 Q Okay. So what communications did you have with
4 Leonel to get this order requested?

5 A We had direct communication with Leonel when we
6 went to the kitchen to look at the space, and then
7 stepping aside and writing down the order.

8 Q Did you have a laptop with you?

9 A No, not in those days.

10 Q So how did this get typed up?

11 A I took it back with me and typed it up after
12 we had an antiquated computer at the time, and I wrote
13 it up afterwards, and then faxed it over and then I
14 believe he called. I can't really respond to that,
15 because he didn't talk to me.

16 Q At what point did you have that location
17 secured initially for your new kitchen?

18 A I believe I said it was about a month before it
19 all went to fluey, so I would have to say -- okay...
20 October 1st... We had three days to find a kitchen...
21 So I would say -- I need a pen. I can't think about it
22 like this.

23 Thank you.

24 MR. KOBULNICK: Do you want paper?

25 THE WITNESS: Yes.

1 MR. KOBULNICK: If you want, you can put three
2 columns on a page.

3 THE WITNESS: I don't think we were taught how
4 to write like the L.A. or New York Times either. Okay.
5 So I would... So I would say it was in August, middle
6 of August that we spoke with him initially, in 1998,
7 because then we started the ball rolling and we made
8 some inquiries and we heard that he was looking to rent
9 out some space, and we went to meet with him. And
10 that's what -- so that's when we went to meet with him.

11 BY MR. KOBULNICK:

12 Q Did you meet with him before or after your
13 brainstorming session with Joan when you came up with
14 the term Cake Divas?

15 A After. We have only done business as Cake
16 Divas.

17 Q So you met with Leonel sometime in August of
18 1998 to look at space, and at the same time, you got an
19 order secured?

20 A Exactly.

21 Q And then subsequent to that, the rental
22 agreement that you were contemplating fell through?

23 A Subsequent? Clarify.

24 Q You said that there was new management, then
25 they changed the rent prices and terms

1 A Right.

2 Q -- so that wasn't going to work at all.

3 A Weeks later, yeah.

4 Q But despite that, you still did business with
5 Leonel?

6 A Correct.

7 Q Even though they changed the terms dramatically
8 in a way that was not favorable to you?

9 A Correct.

10 Q And that was because why?

11 A They were two separate entities, and we wanted
12 the business.

13 Q Okay. Did you ever send a final version of an
14 invoice or a final work order reflecting handwritten
15 edits like these to Leonel?

16 A I believe he has a copy just like this. He was
17 sent this.

18 Q Was there an earlier version sent without any
19 handwriting scratched out?

20 A I imagine there was.

21 Q And then you had a phone call with him?

22 A I did not have a phone call with him.

23 Q But do you know if Joan had a phone call with
24 him?

25 A I can't say. ^{don't} I know that, but I assume that.

1 Q You handled the whole running of the business
2 and communicating with the clients, right? That's what
3 you said?

4 A Right.

5 Q So wouldn't you have been the one to have the
6 phone call with Leonel?

7 A We'd cover each other. That's mainly my focus
8 of the business. That's how I try it forward. But at
9 this very beginning, we did pretty much everything.

10 Q It indicates, correct me if I'm wrong, but the
11 document indicates that there was a 50 percent deposit
12 made, correct?

13 A Correct.

14 Q When was that deposit made?

15 A I can't answer that either, because I don't
16 have the paperwork in front of me.

17 Q Okay. Did you take any steps to correct the
18 address on your fictitious business name that was filed,
19 once you learned that you were not going to be operating
20 at the Glencoe address in Marina Del Rey?

21 A I did not.

22 Q So as far as you know, the fictitious business
23 name statement that's on file with the Los Angeles
24 County still reflects the incorrect address at Glencoe?

25 A No.

1 Q Was there another fictitious business name
2 filed with the Venice Boulevard address?

3 A I do not know.

4 Q So, then, as far as you know, isn't the only
5 document on file the one that shows Glencoe?

6 A I don't know the answer to that.

7 Q Let's talk about Exhibit 3 again.

8 A Sure.

9 Q Are you familiar with this document?

10 A Yes.

11 Q This indicates that Cake Divas took an order
12 from someone named David

13 A Uh-huh.

14 Q -- at Irell & Manella?

15 A Uh-huh.

16 Q Who is David?

17 A David was one of the assistants who was in
18 charge of coordinating birthday parties at Irell &
19 Manella.

20 Q How did you first meet David?

21 A Joan knew him from her previous job.

22 Q At the Cake Connection?

23 A Collection.

24 Q I'm sorry, Collection?

25 A Yes.

1 Q Was David the only person that you knew or that
2 Joan knew that worked at Irell & Manella at that time?

3 A I don't know.

4 Q Was your brother the attorney working at Irell
5 & Manella?

6 A No.

7 Q Had you hired Irell & Manella before

8 A No.

9 Q -- as attorneys for any reason?

10 A No. No.

11 Q So David was the only person that either of you
12 ever knew

13 A Yes. Yes.

14 Q -- at the time that this order was placed?

15 A Yes.

16 Q The order is for a quarter sheet cake

17 A Uh-huh.

18 Q -- with baby shower floral design with booties.

19 A Uh-huh.

20 Q But with no writing?

21 A Uh-huh.

22 Q This was for a baby shower it says?

23 A Yeah.

24 Q Is it typical to order a cake for a baby shower
25 for someone without putting any writing on it?

1 A Nothing is typical.

2 Q Okay. This is the first time you received an
3 order from Irell & Manella?

4 A I don't know the answer to that.

5 Q Have you produced all documents that show your
6 earliest business transactions under Cake Divas?

7 A To the best of our ability, yes.

8 Q And since this was the only document that you
9 produced that showed an order with Irell & Manella, is
10 it correct to assume that there were no others?

11 A I don't know the answer to that.

12 Q Did David call Cake Divas?

13 A Yes.

14 Q Who did he talk to?

15 A Me.

16 Q On that document, doesn't it say that the order
17 was taken by Joan?

18 A Yeah, sometimes^{it} didn't change the name on
19 the bottom on the computer.

20 Q Was this order ever fulfilled?

21 A Yes.

22 Q Was the cake actually delivered on January 27,
23 1999?

24 A If it says that, yes, I would assume that's
25 correct.

1 Q Do you have any other documentation to shows
2 that the order was fulfilled?

3 A No.

4 Q Was there any other invoice that was sent to
5 them?

6 A No.

7 Q And this invoice, I believe was, as you stated
8 before, has only a delivery date, not an actual invoice
9 date.

10 A Correct.

11 Q Is \$30 the approximate normal going rate for a
12 quarter sheet like this in 1999?

13 A Yes.

14 Q Or did you give them a special deal?

15 A I believe this was the price we had arranged
16 with them. We had two categories of pricing at the
17 time, and I believe this was considered a caterer's
18 price.

19 Q Okay. When, if you know, was this document
20 actually sent to Irell & Manella?

21 A I don't know.

22 Q Do you know if it would have gone to David
23 directly?

24 A Yes.

25 Q Do you know if David still works at Irell &

1 Manella?

2 A No.

3 Q Do you know David's last name?

4 A No, not anymore.

5 Q Do you know if Irell & Manella ever paid an.
6 invoice for this order?

7 A Yes.

8 Q Do you have any documents to support that,
9 assertion that they paid you?

10 A No.

11 Q I would like to turn back to another exhibit.

12 A This is not a good table to play "skully."

13 (Phonetic)

14 Q I am looking for the announcement, Exhibit 6.

15 A Yes.

16 Q The first page of Exhibit 6?

17 A Yes.

18 Q Which is marked as CD 00067?

19 A Correct.

20 Q When was this announcement created?

21 A That's a good question. I can approximate, but
22 I don't want to do that. I would say September of '98.

23 Q And this announcement was mailed out to people,
24 right?

25 A Uh-huh.

1 Q And when was it mailed out?

2 A Shortly after the printing of it. So I would
3 say it went out during the month of October. It's gone
4 out -- it was over a few months. I mean, it wasn't like
5 one mass mailing.

6 Q How many announcements were mailed?

7 A I don't know.

8 Q Did you have a mailing list?

9 A Yes.

10 Q Who kept that list?

11 A I did, with Joan.

12 Q Okay, was this a handwritten list or on a
13 computer?

14 A It was a handwritten list.

15 Q Did the announcement get mailed out to anyone
16 outside of Los Angeles?

17 A No.

18 Q Were there any other announcements created
19 after this one?

20 A Not an announcement, no.

21 Q So the only announcement was sent out to people
22 in L.A.?

23 A Yes.

24 Q You talked about the Yellow Pages ad?

25 A Uh-huh.

1 Q In the Yellow Page ad -- I'm sorry, let me
2 rephrase that.

3 Who designed the Yellow Pages ad?

4 A I did with my step-sister Lauren Smalenoff.

5 Q And that was I believe you said in -- well,
6 what month in 1998 did you say that that was designed?

7 A I would imagine that was also like September.

8 Q So which telephone directory company did you
9 contact to place the ad?

10 A It was the Yellow Pages.

11 Q Is that Pacific Bell?

12 A There were several different books that it went
13 into, so it was different companies in different areas.

14 Q And since it was so late in 1998, were you able
15 to still get it in to any 1998 directories?

16 A No.

17 Q So it went into the 1999 directories

18 A Correct.

19 Q -- those Yellow Pages ads?

20 A Right.

21 Q And those Yellow Pages were only distributed in
22 Los Angeles County?

23 A They were -- yes.

24 Q Do you know if the "Smart Solutions" program
25 was ever aired?

1 A Yes.

2 Q When was it aired?

3 A I don't know.

4 Q Do you remember how long after it was recorded
5 it was aired?

6 A I don't know.

7 Q Is it correct to say 2000?

8 A I don't know.

9 Q Would it have been before 2000?

10 A I don't know.

11 THE WITNESS: Can I just look at these?

12 DEPOSITION OFFICER: Certainly.

13 MR. KOBULNICK: I think I would like to take
14 another break.

15 THE WITNESS: Okay.

16 (Recess taken.)

17 BY MR. KOBULNICK:

18 Q Miss Grode, I have a final topic to briefly
19 discuss with you.

20 Just so we're clear, the basis of your
21 business' opposition to our client's trademark
22 application does not actually claim that your business
23 is the first to use the Cake Divas trademark anywhere,
24 is that correct?

25 A I don't understand that.

1 Q Do you claim that Cake Divas is the -- that
2 your business, Cake Divas, is the first entity, person,
3 to use Cake Divas or Cake Diva as a trademark anywhere
4 in the United States.

5 MR. GATIEN: Objection. Calls for speculation.
6 I mean, how would she know if anybody had ever done it
7 ever?

8 MS. SEGALL: That's what she's claimed.

9 MR. GATIEN: She's claimed in her searches.
10 That's all of record.

11 MR. KOBULNICK: Let me move to the opposition
12 language itself.

13 MR. GATIEN: Okay.

14 BY MR. KOBULNICK:

15 Q In paragraph four of the Notice of Opposition
16 that was filed by your company, it reads:

17 (Reading)

18 "Applicant's mark is so similar to the
19 opposer's mark that if the applicant expands its
20 services into geographical areas where opposer was
21 first to use its mark, confusion and deception as to
22 the origin of applicant's services bearing
23 applicant's mark would occur, all to the damage and
24 detriment of the opposer."

25 Are you familiar with that language?

1 A Yes.

2 Q So doesn't that statement say that your concern
3 is that our client could expand her business into your
4 geographic area?

5 A Yes.

6 Q But it doesn't say that you believe that your
7 use in this geographic area pre-dates our client's use
8 in another geographic area?

9 A I am confused, really.

10 Q I'm not sure if I should re-ask this.

11 MR. GATIEN: I mean the statement itself speaks
12 for itself, so...

13 MR. KOBULNICK: I just it to be clear.

14 MR. GATIEN: Are you asking her to interpret

15 MR. KOBULNICK: Well, it's her statement.

16 BY MR. KOBULNICK:

17 Q Is it your -- is it Cake Divas' statement
18 let me put it this way:

19 Are you familiar with the contents of the
20 Notice of Opposition that was filed on behalf of Cake
21 Divas?

22 A Yes.

23 Q Is all of the language set forth in that Notice
24 of Opposition true and correct?

25 A Yes.

1 Q Do you recognize this language, that I'm
2 showing you now, as part of that filed Notice of
3 Opposition in this proceeding?

4 MR. GATIEN: I mean, I'm going to object, just
5 because none of this -- this document is not entered
6 into record today. We haven't even seen this document.
7 I haven't even prepared or produced it or authenticated
8 that it's from the actual Notice of Opposition...

9 MR. KOBULNICK: Well, it's of record because
10 it's of record with the Trademark Office already.

11 MR. GATIEN: Like I say, I don't know if this
12 was printed from the Trademark Office or not. That is
13 what I'm saying. And it's not automatic -- well
14 whatever.

15 Nobody has verified that it's a true and
16 accurate record of what was filed with the Trademark
17 Office.

18 MR. KOBULNICK: Okay. I don't -- nobody has
19 verified that that is a true and accurate record of what
20 was filed with the Trademark Office. That's why I am
21 asking her to do that now.

22 MR. GATIEN: How would she know? She would
23 have to have printed the one from the Trademark Office
24 and be looking at that and comparing it.

25 BY MR. KOBULNICK:

1 Q Did you read the Notice of Opposition before it
2 was filed on your company's behalf?

3 A Yes.

4 Q And have you reviewed the document that I have
5 handed you?

6 A Not completely.

7 Q I will hand it back to you.

8 Have you finished reviewing the document?

9 A Yes.

10 Q Do you recognize that document?

11 A I don't know if I recognize this document.

12 Q Do you recognize all of the contents of that
13 document?

14 A Some of the contents are familiar from topics
15 of discussion.

16 Q Do you know if this is the same as what was
17 filed as your Notice of Opposition?

18 A I don't know that.

19 MR. KOBULNICK: New York, do you have any other
20 questions?

21 MS. SEGALL: No. I think we're good.

22 MR. KOBULNICK: I think we're done.

23 MR. GATIEN: I would like to ask just a few
24 questions. Let me see what time it is.

25 Yeah, can we just take five minutes, and I

1 probably literally have less than five minutes to go.

2 MR. KOBULNICK: Okay.

3 MR. GATIEN: If you don't mind.

4 MR. KOBULNICK: No, I don't mind.

5 (Recess taken from 5:05 p.m. to
6 5:11 p.m.)
7

8 REDIRECT EXAMINATION

9 BY MR. GATIEN:

10 Q Okay, Leigh, I want to ask you just a couple of
11 quick questions, so we can wind it up for today.

12 There were a couple of questions earlier about
13 "People" magazine and your subscription to "People"
14 magazine, and you said you had a first subscription to
15 that in 1997. How long did that subscription last?

16 A It was one year.

17 Q One year. And you mentioned that there was a
18 ten-year gap. When did that gap start?

19 A Immediately after the subscription ended.

20 Q So sometime in 1998?

21 A Yeah, -- oh, yeah.

22 Q And then when did it resume?

23 A It didn't resume.

24 Q Well, there was a ten-year gap you said. So it
25 ended -- the first one was for a year in '97, '98, and

1 then you said there were 10 years. Did that 10 years
2 start in 1998?

3 A No. No, no, no. I didn't say that.

4 Q Please let me know.

5 A I said that I got a subscription for my
6 birthday when I was 40, so that was about 12 years ago.

7 Q Okay.

8 A So I just told you how old I am.

9 MR. KOBULNICK: Can we keep that confidential.

10 THE WITNESS: And so I had it for about a year
11 -- a year or 18 months, which I don't know, and then as
12 soon as it ended, I never renewed it. So it's been
13 about 10 years with a gap of them sometimes sending me
14 free teasers. They did that for a while.

15 Q So you never had another subscription after
16 that first one ended?

17 A Correct.

18 Q Okay. Did you read these "People" magazines
19 that you received when you got the subscription?

20 A Not really.

21 Q How would you characterize your reading, if
22 any, of these magazines?

23 A I would skim through maybe, you know, bring it
24 in for the gossip for the bathroom.

25 Q And did you read every article?

1 A No.

2 Q Did you ever see Charmaine Jones in any of
3 these magazines?

4 A No.

5 Q When was the first time that you heard from
6 Charmaine Jones?

7 A When I received that letter.

8 Q When was that?

9 A The date of the letter was July 31st, 2003, so
10 I -- August, the beginning of August, like when we went
11 to the attorney. That's the first time I heard of her.

12 Q Had you ever heard of Charmaine Jones before
13 you received that letter?

14 A No.

15 Q Let me ask you another question about your
16 address. It seems that there were issues about where
17 you first obtained an address and whether -- that you
18 didn't move there, that you obtained another address to
19 conduct your business from, in order to complete your
20 first sale on October 15th.

21 I believe your testimony today was that the
22 deal fell apart for sure about a week before October
23 1st?

24 A Yeah.

25 Q And that you had about a week's time to find

1 another address?

2 A Yes.

3 Q Okay. Where was that new address?

4 A The new address was 9626 Venice Boulevard,
5 Culver City 90232.

6 Q What was at that address when you rented it?

7 A There were two kitchens already established in
8 the building.

9 Q Two full kitchens?

10 A Two full kitchens, one small and then the
11 other, but two full kitchens.

12 Q So did you have to do any preparations

13 A No.

14 Q -- to conduct your business, based on the fact
15 that it had two full kitchens already?

16 MS. SEGALL: Objection. Can we let the witness
17 testify, please.

18 THE WITNESS: We did not have to do any prep
19 work. We were able to share the pots and the pans. And
20 There were two convection ovens. Everything was already
21 established in the space. We basically were renting an
22 area which was a table, and we had full use of the
23 entire kitchen, including the walk-in.

24 BY MR. GATIEN:

25 Q Okay, and my last question is about your sales

1 outside of California. Your prior testimony today, you
2 mentioned a sale in 2000, I believe in Las Vegas. Were
3 there any other sales outside of California prior to
4 that?

5 A Yes.

6 Q Where were those?

7 A One was in May of 1999. We were hired to go to
8 Florida and make a celebration cake for a spiritual
9 teacher, and we built the cake there in their kitchen
10 facility.

11 Q And, I'm sorry, where was that in Florida?

12 A Sabastian, Florida.

13 Q Sabastian, Florida. And were there any other
14 sales outside of California?

15 A Yes. We were also hired to make a 50th
16 anniversary tiered like wedding cake for a couple in
17 Talos, New Mexico.

18 Q When was that?

19 A That was September, the first week of -- the
20 6th of September in 1999.

21 MR. GATIEN: Okay. No further questions.

22 MR. KOBULNICK: Do we have anything else,
23 Karin?

24 MS. SEGALL: Just a second.

25 Hello? I would like to just ask a couple of

1 recross on the redirect that we just went through.

2 MR. GATIEN: Sure.

3

4

RE CROSS-EXAMINATION

5 BY MS. SEGALL:

6 Q Okay. Previously I believe you had said you
7 hadn't had a sale outside of California until the year
8 2000 in you are earlier testimony. Do you recall that
9 testimony?

10 A Yes.

11 Q And now you are saying when your first sale
12 outside of California was?

13 A It was '99. One was in May and one was in
14 September.

15 Q Okay, so what refreshed your recollection from
16 your earlier testimony until now?

17 A I had a moment of clarity.

18 Q And when did that moment of clarity take place?

19 A When I was sitting here before I walked out of
20 the room.

21 Q And then did you communicate to your lawyer
22 that you had realized that you had an error?

23 A No.

24 Q So he just spontaneously came up with these
25 questions just now and asked you again about those

1 dates?

2 A Yeah.

3 Q And how -- what inspired the moment of clarity?

4 A Actually, it was looking at these documents
5 that were triggering my memories, and when I saw the way
6 the invitation is what -- I started thinking about who I
7 sent those invitations out to.

8 Q And so you sent those invitations out when?

9 A All throughout the period of time. It started
10 in October and went November, December, all throughout,
11 like they continued

12 MR. KOBULNICK: In 1998?

13 THE WITNESS: '98, '99. We had them for a
14 couple of years and kept sending them out.

15 BY MS. SEGALL:

16 Q These were the announcements that said you were
17 out?

18 A Yes.

19 Q So you started distributing those in '98 and
20 you just continued distributing them until you ran out
21 of them?

22 A Exactly, yes.

23 Q How long did that take?

24 A It took -- I don't know the answer to that.

25 Q And you previously testified that you only sent

1 those into L.A., correct?

2 A Yes, and then to -- yes, but then -- initially,
3 I sent them in L.A.

4 Q Oh, because previously you said they were only
5 to L.A., now you are changing that testimony too? Is it
6 another moment of clarity?

7 So now we are realizing they were sent outside
8 of L.A. or were you mistaken before?

9 A No, I'm trying to remember actually in this
10 moment. So one moment, please.

11 No, I believe that they were received from
12 people in Los Angeles and brought to other destinations.
13 I don't believe that I -- I didn't mail anything out of
14 the state.

15 Q Okay.

16 A But that didn't mean that other people didn't
17 get the notice about our business from other people.

18 Q So you are speculating that maybe they gave
19 them to somebody else?

20 A Exactly.

21 Q Okay, but somehow looking at these
22 announcements that you distributed only in L.A.

23 A Yes.

24 Q -- caused you to remember that you had sold
25 some outside of California earlier than you had

1 previously testified just a little while ago, is that
2 correct?

3 A That is correct.

4 Q Okay. Thank you.

5 MS. SEGALL: No more questions.

6 Jeff, are we done or do you have anything to
7 add?

8 MR. KOBULNICK: I have one other question,
9 actually.

10

11 RE CROSS-EXAMINATION

12 BY MR. KOBULNICK:

13 Q You said that the first time you had heard of
14 our client is when you received the cease and desist
15 letter in 2003?

16 A Yes.

17 Q But didn't you testify earlier that you were
18 receiving phone calls from consumers in 2002 letting you
19 know that there was this other Cake Diva

20 A Huh. No, I don't -- I need some clarification.
21 Hold on.

22 MS. SEGALL: No, Jeff, I think we'll just
23 withdraw the question.

24 MR. KOBULNICK: That's fine, I'll withdraw it.

25 Okay. I don't think we have anything further.

1 MR. GATIEN: Okay. Thank you very much.

2 MR. KOBULNICK: And for the transcript, I think
3 we would like to order the rough version that we were
4 talking about during the break. I don't know if she
5 told you about it.

6 DEPOSITION OFFICER: You need to fill out the
7 form.

8 MS. SEGALL: Thank you.

9 MR. GATIEN: Thanks Karin and Dana.

10 (At 5:21 p.m. the deposition was
11 adjourned.)
12 -----
13
14
15

16 I have read the foregoing deposition
17 transcript and by signing hereafter, approve same.

18
19 Dated 5/12/2009 .

20
21
22 
23 (Signature of Deponent)
24
25

1 STATE OF CALIFORNIA)
2 COUNTY OF LOS ANGELES)
3

4 On May 12, 2009 before me, (here insert name and
5 title of the officer), Grace Nassar, a notary public
6 personally appeared Leigh Grode
7 _____
8 _____

9 who proved to me on the basis of satisfactory evidence
10 to be the person(s) whose name(s) is/are subscribed
11 to the within instrument and acknowledged to me that
12 he/she/they executed the same in his/her/their
13 authorized capacity(ies), and that by his/her/their
14 signature(s) on the instrument the person(s), or the
15 entity upon behalf of which the person(s) acted,
16 executed the instrument.

17 I certify under PENALTY OF PERJURY under the laws of the
18 State of California that the foregoing paragraph is true
19 and correct.
20

21 WITNESS my hand and official seal.

22
23 Signature Grace Nassar (Seal)
24
25



1 DEPOSITION OFFICER'S CERTIFICATE

2
3 STATE OF CALIFORNIA)
4 COUNTY OF LOS ANGELES) ss.

5
6 I CHERYL L. MARQUIS, hereby certify:

7 I am a duly qualified Certified Shorthand
8 Reporter in the State of California, holder of
9 Certificate Number CSR 6731 issued by the Court
10 Reporters Board of California and which is in full force
11 and effect. (Fed. R. Civ. P. 28 (a).)

12 I am authorized to administer oaths or
13 affirmations pursuant to California Code of Civil
14 Procedure, Section 2093(b) and prior to being examined,
15 the witness was first duly sworn by me. (Fed. R. Civ. P.
16 28(a), 30(f)(1).)

17 I am not a relative or employee or attorney or
18 counsel of any of the parties, nor am I a relative or
19 employee of such attorney or counsel, nor am I
20 financially interested in this action. (Fed. R. Civ. P.
21 28.)

22 I am the deposition officer that
23 stenographically recorded the testimony in the foregoing
24 deposition, and the foregoing transcript is a true
25 record of the testimony given by the witness. (Fed. R.

1 Civ. P. 30(f)(1).)

2 The persons who appeared at the deposition are
3 set forth on page 3 of the foregoing transcript.

4 The deposition was taken at 555 South Flower
5 Street, Suite 3500, Los Angeles, California and began at
6 1:04 p.m., Thursday, April 16, 2008.

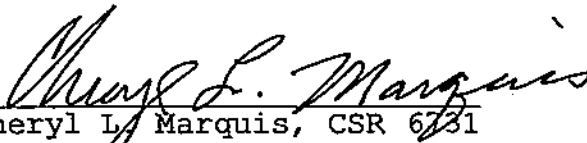
7 Before completion of the deposition, review of
8 the transcript was requested. Any changes made by the
9 witness (and provided to the reporter) during the period
10 allowed, are appended hereto. (Fed. R. Civ. P. 30(e).)

11

12 Dated April 30, 2009

13

14


Cheryl L. Marquis, CSR 6731

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Drawing Page

Date/Time Stamp: Monday, 08-04-2003 20:29:46 EDT



08-06-2003

U.S. Patent & TM Office Mail Report 967

Applicant:

CAKE DIVAS

1027 ELKGROVE AVE #2

VENICE, CA 90291

USA

Date of First Use Anywhere: 10/15/1998

Date of First Use In Commerce: 10/15/1998

Goods and Services:

MANUFACTURE OF CAKES; BAKING AND DESIGNING EDIBLE AND FAUX
CAKES

Mark:

CAKE DIVAS

U.S. Patent & TM Office



76538360



Drawing Page

Date/Time Stamp: Monday, 08-04-2003 20:29:46 EDT



08-06-2003

U.S. Patent & TMO/TM Mail Rpt Dt. #57

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CAKES

Mark:

CAKE DIVAS

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76538360

Trademark/Service Mark Application

*** To the Commissioner for Trademarks ***

<DOCUMENT INFORMATION>

<TRADEMARK/SERVICEMARK APPLICATION>

<VERSION 1.22>

<APPLICANT INFORMATION>

<NAME> CAKE DIVAS

<STREET> 1027 ELKGROVE AVE #2

<CITY> VENICE

<STATE> CA

<COUNTRY> USA

<ZIP/POSTAL CODE> 90291

<APPLICANT ENTITY INFORMATION>

**<PARTNERSHIP: STATE/COUNTRY UNDER WHICH ORGANIZED>
CALIFORNIA**

**<NAME(S) OF GENERAL PARTNER(S) & CITIZENSHIP/INCORPORATION>
JOAN LESLIE SPITLER LEIGH BETH GRODE UNITED STATES CITIZENS**

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> CAKE DIVAS

<TYPED FORM> Yes

~ Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended). ~

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<USE IN COMMERCE: SECTION 1(a)> Yes

~ Applicant is using or is using through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. §1051(a), as amended.). Applicant attaches one SPECIMEN for each class showing the

mark as used in commerce on or in connection with any item in the class of listed goods and/or services. ~

<SPECIMEN DESCRIPTION> BROCHURES AND LABELS

<INTERNATIONAL CLASS NUMBER> 040

<LISTING OF GOODS AND/OR SERVICES> MANUFACTURE OF CAKES;
BAKING AND DESIGNING EDIBLE AND FAUX CAKES

<FIRST USE ANYWHERE DATE> 10/15/1998

<FIRST USE IN COMMERCE DATE> 10/15/1998

<FEE INFORMATION>

<TOTAL FEES PAID> 335

<NUMBER OF CLASSES PAID> 1

<NUMBER OF CLASSES> 1

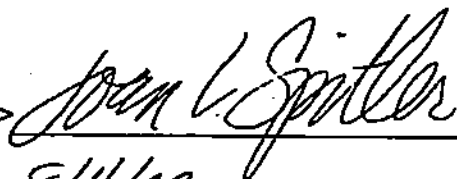
<LAW OFFICE INFORMATION>

<E-MAIL ADDRESS FOR CORRESPONDENCE> N/A

<SIGNATURE AND OTHER INFORMATION>

~ **PTO-Application Declaration:** The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true. ~

<SIGNATURE>



* please sign here*

<DATE>

8/4/03

<NAME>

JOAN LESLIE SPITLER

<TITLE> GENERAL PARTNER

The information collected on this form allows the PTO to determine whether a mark may be registered on the Principal or Supplemental register, and provides notice of an applicant's claim of ownership of the mark. Responses to the request for information are required to obtain the benefit of a registration on the Principal or Supplemental register. 15 U.S.C. §§1051 et seq. and 37 C.F.R. Part 2. All information collected will be made public. Gathering and providing the information will require an estimated 12 or 18 minutes (depending if the application is based on an intent to use the mark in commerce, use of the mark in commerce, or a foreign application or registration). Please direct comments on the time needed to complete this form, and/or suggestions for reducing this burden to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington D.C. 20231. Please note that the PTO may not conduct or sponsor a collection of information using a form that does not display a valid OMB control number.

76538360

TRADEMARK APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

08/22/2003 SWILSON1 00000106 76538360

01 FC:6001

335.00 OP

PTO-1555
(5/87)

1-5A



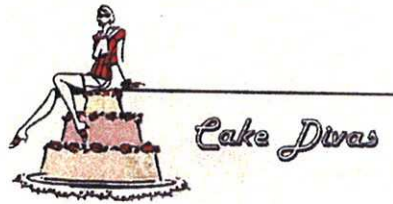
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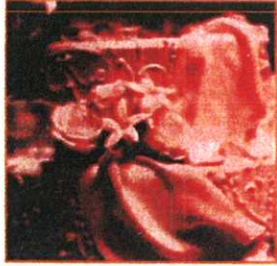


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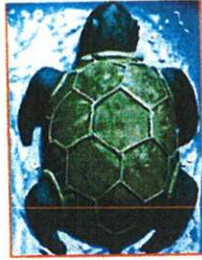
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- ▶ Lemon
- ▶ Light Orange
- ▶ Marble
- ▶ Pistachio
- ▶ Spice
- ▶ Vanilla
- ▶ White
- ▶ White Chocolate

Filling:

- ▶ Chocolate Mousse
- ▶ Cookies & Cream
- ▶ Custard
- ▶ Fudge
- ▶ Ganache
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1. [Cake Divas](#)

Click here to View our cake book in Los Angeles
www.cakedivas.com

2. [Cake Book](#)

Cake Book Wedding Cakes Mini Wedding cakes Artwork cakes Elaborate Artwork Portrait Sculpted Artwork cakes Flavors click on a link to the section
www.cakedivas.com/CakeBook

3. [Home and Garden Television: Cookies / Candy](#)

... Phone: 310-399-2499. Website: www.cakedivas.com. ALSO IN THIS EPISODE: ...
www.hgtv.com/hgtv/ah_recipes_cookies_candy/article/0%2C%2CHGTV_3173_13...

4. [DailyCandy LA - Altar Ego](#)

... Cake Divas (310-399-2499; cakedivas.com). The Gang ...
www.dailycandy.com/article.js?ArticleId=20580&city=2

5. [er deadline July 1st](#)

... Check out Cake Divas as featured in Variety and the Hollywood Reporter. at www.cakedivas.com or email them at ...
www.kgbfilms.com/links.htm

6. [Lily Pad Vendor List](#)

... (310) 399-2499. www.cakedivas.com. Caterers ...
www.lilypadfloral.com/vendors.html

7. [Cake Divas](#)

... contact: Leigh Grode/Joan Spitzer, www.cakedivas.com ...
www.asoofwedding.com/store_listing/cake_divas.html

8. [butterfly wedding cake](#)

... http://www.cakedivas.com/CakeBook/Cakes/ButterflyFondant.htm ...
www.just-wedding-links.com/butterfly_wedding_cake.html

9. [http://einames.com/domains/expdom/12.25.2002.php](#)

Warning: main(/templates/exomyheader.php) [function.main]: failed to create stream: No such file or directory in /home/einames/public_html/domains/expdom/12.php on line 1
einames.com/domains/expdom/12.25.2002.php

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EXHIBIT 2

Samples
thurs/FR

October 15, 1998

delivery
to California
when do -

Samples
thurs afternoon
or Friday

Leonel

Platters (?)

To: California Celebrations
4051 Glencoe, Ste. 7
Marina Del Rey, California 90292

Re: Bid for Marlboro 500

- 200 ^{2 1/2 inch} Cookies Assortment - oatmeal raisin, chocolate chip, double chocolate chocolate chip, peanut butter \$100
- 200 ^{1 1/4 bites} Brownies Assortment - espresso, caramel \$200
- 200 ^{2 1/4 inch} Mini Cannolis \$200
- 100 Chocolate Truffles - assortment \$100
- ~~(5) 8" Classic New York Cheesecake(s) \$125~~
- ~~(5) 9" Lemon Tart(s) \$100~~
- ~~(5) 8" Carrot Cake(s) \$125~~
- 100 Cupcakes - old fashioned vanilla with fudge icing & race cars \$150
- Full Sheet Marlboro 500 Logo cake (paint on artwork) (serves 100-120) \$350

1
100
200
200
100
350
150

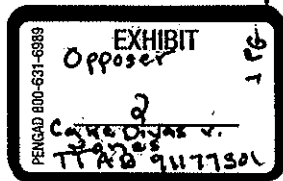
1100

\$1100

all in bakery
boxes -

arranged on platters
will be additional charge
50% deposit required
balance C.O.D.

CD 00076



Cake Divas

1027 Elkgrove Avenue, #2 • Venice, California 90291 • 310 399 2499

BY APPOINTMENT ONLY

EXHIBIT 3

CAKE DIVAS

(310) 399-2499

Invoice

ORDERED BY: David/ Irell & Manella

PHONE: 310.203.7006

DELIVERY DATE: 1/27/99

TIME: by 5 PM

ADDRESS: 1800 Avenue of The Stars, Suite 900
Century City, California

ORDER: _____

1/4 Sheet white cake, lemon filling, buttercream icing
Baby Shower Floral with booties (no writing)

AMOUNT DUE: \$30

order taken by: Joan Spitler

mailing address:

CAKE DIVAS

1027 Elkgrove Avenue #2

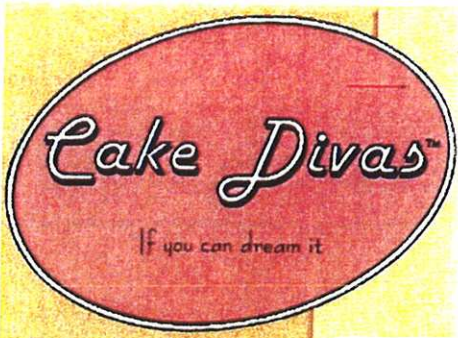
Venice, CA 90291



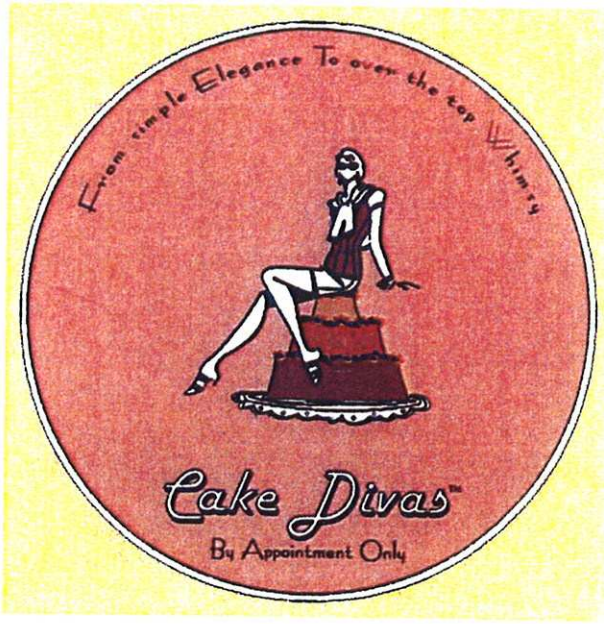
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3-1

EXHIBIT 4



- Cake Divas
- Cake Book
- Flavors
- Links
- Contact



Cake Divas 9626 Venice Blvd - Culver City, CA 90232
Tel: (310) 287 2609 - Fax (310) 287 2463



CD 00001



Cake Divas™

If you can dream it

Cake Divas

Cake Book

Flavors

Links

Contact

The Cake Divas

Joan Spittler and Leigh Grode began their Divaesque adventure in October of 1998. The Cake Divas are a Los Angeles based custom dessert company that creates cakes that are both beautiful & delicious. "From Simple Elegance to over the top Whimsy" - If you can dream it, they can create it.

Joan Spittler is a visual Artist who was working in a bakery while attending art school at UC San Diego, "Cake is an amazing medium to make art," she says. Leigh Grode is an award winning stage director, who studied cinema and television production in Europe. Upon returning to the Los Angeles 1993 Grode met Spittler at a film screening with in the next few years they would take a huge leap of faith and start Cake Divas.

The Cake Divas have been featured in Magazines including: InStyle, the Hollywood Reporter, People Magazine, Los Angeles Magazine, Jet, Inside Weddings & Elegant Bride Magazine.

They have created one-of-a-kind cakes for numerous movies & television shows; "Buffy the Vampire", "Charmed", "Arrested Development", "Judging Amy", "ER", "NYPD Blue", "The Division", "The Drew Carey Show", "JAG", "MTV Video Awards", "Comedy Video Awards".

Celebrating Rodney Dangerfield's Birthday 2004, The Cake Divas have appeared on TV specials Discovery Channels "Las Vegas Weddings", "Wedding of a Lifetime (Lifetime TV) the Cake Divas also were featured on "Martha Stewarts Living" "Al Roker on the Road" and "EXTRA! Do you remember "Trista & Ryan's" Wedding Cake, another Cake Divas' Original. Just recently they made "Ellen Degeneres" Birthday Cake and many many more.

[View our Press Clippings >>](#)

CD 00002

Cake Divas™

If you can dream it

Cake Divas

Cake Book

Flavors

Links

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Cake Flavors

*We also take special request flavor choices!
We will even make your Moms and Grandmas favorite recipes.
We want you to have what you really want!*

Light Chocolate Mousse

White Chocolate Mousse

Lemon cake

Marble cake

Chocolate cake

Banana cake

Carrot cake

Sweet Potato cake

Light Orange cake

Almond cake

Espresso cake

Pistachio cake

Red Velvet cake

Green Tea cake

Tiramisu cake



Choose your fillings >>

CD 00004

Cake Divas™

If you can dream it

[Cake Divas](#)

[Cake Book](#)

[Flavors](#)

[Links](#)

[Contact](#)

Filling Choices

*We also take special request flavor choices!
We will even make your Moms and Grandmas favorite recipes.
We want you to have what you really want!*

Fudge

Dark Chocolate

Ganache

Light Chocolate Mousse

White Chocolate Mousse

Chocolate Chip

Bavarian Cream

Cream Cheese

Passion Fruit Mousse

Pistachio Mousse

Lemon Curd

Brown Sugar Cream

Coconut Cream

Hazelnut Mousse

Almond Mousse

Cookies and Cream

Mixed Berries & Cream

Mangos & Cream

Bananas & Cream

Light Orange Mousse



Vanilla Orchid

Choose your flavor >>

CD 00005

Cake Divas™

If you can dream it

Cake Divas

Cake Book

Flavors

Links

Contact



Mindy Weiss Party Consultants

Mindy Weiss has become the most sought-after party planner in Southern California. Based in Beverly Hills, Mindy is known for her unrivaled attention to detail and uses personal touches for each of her clients to create a unique feeling of warmth and intimacy.



Shutters -Hotel On the Beach

With over 1200 engagements under their belts, Shutters knows about l'Amour. From the reception to the honeymoon, their professional catering and event staff brings imagination, thoughtfulness and a stunning site for your celebrations.



Best Events Catering

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Mark's Garden

Mark Held and Richard David have created a most unique floral environment—part retail flower shop and part creative design studio—MARK'S GARDEN in Los Angeles.




Michael's - Santa Monica

In 1979, at the age of 25, Michael McCarty founded MICHAEL'S, a restaurant in Santa Monica, California. An instant success, it remains one of the most acclaimed and popular restaurants in the United States.

[More Links >>](#)

CD 00006



Cake Divas Mailer

▪ first name

▪ last name

▪ email

company

telephone

comments



(back)

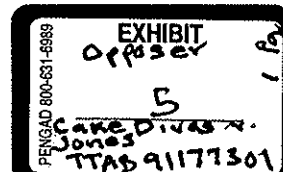
CD 00007

Cake Price Sheet

June 2008 Update

Size	Serves	Floral/Festive	Pipe/Draw on, Toys	Simple sculptures cutouts	Advanced Sculpture Portrait	Hours
8" - 2 layer	8-10 persons	\$50-\$85	\$75	\$120	\$140-\$350	\$200 per hour
10" - 2 layer	12-16 persons	\$75-\$88	\$105	\$175	\$180-\$500	\$200
12" - 2 layer	25-35 persons	\$115	\$195	\$275	\$300-\$945	
14" - 2 layer	40-50 persons	\$182	\$245	\$300-\$750	\$480-\$1,350	
16" - 2 layer	60-70 persons	\$252	\$324	\$360-\$770	\$720-\$1,890	
18" - 2 layer	80-100 pers	\$308	\$365	\$480-\$1,100	\$960-\$2,700	
20" - 2 layer	120-150 pers	\$350	\$405-\$750	\$720-\$1,650	\$1,440-\$4,050	
22" - 2 layer	160-180 pers	\$380-\$450	\$540-\$625	\$960-\$1,980	\$1,920-\$4,860	
24" - 2 layer	190-220 pers	\$480-\$600	\$819-\$1,085	\$1,140-\$2,420	\$2,280-\$5,940	
1/4 sheet	20-25 people	\$85	\$145	\$225	\$345	
1/2 sheet	40-50 people	\$155	\$195	\$275	\$395	
3/4 sht 1 layer	80-100 people	\$275	\$398	\$525	\$405-\$1,655+	
Full sht 2 layer	100-150 ppl	\$395	\$455	\$520-\$1,780+	\$800-\$2,000	
less 100 per \$9-10, more 200 per \$8 non artwork cakes, min artwork \$12-14, major artwork \$15-\$65						
2 tier	20-50 ppl	\$180-\$450	\$280-\$700	\$240-\$700	\$300-\$3,250	\$200
3 tier	60-120 ppl	\$540-\$1,080	\$660-\$1,680	\$720-\$3,240	\$900-\$7,800	
4 tier	100-180 ppl	\$900-\$1,180	\$1,400-\$2,520	\$1,200-\$4,860	\$1,500-\$11,700	
5 tier	200-300 ppl	\$1,600-\$2,400	\$1,800-\$3,000	\$2,400-\$8,100	\$3,000-\$19,500	
6 tier	300 ppl and up	\$2,400+	\$2,400	\$4,500-\$8,100	\$19,500+	

160 -



CD 00076A

We're Out!

Joan Spitler, formerly of The Cake Place, is out on her own.

Introducing Cake Divas,
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from simple elegance to over-the-top whimsy.

Delicious cakes.
Personalized attention.

Cake Divas

Joan L. Spitler

Luigi B. Gade

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CD 00067



Cake Divas

CD 00068



310 399 2499

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in custom cake design—
from simple elegance to
over-the-top whimsy.

Personalized attention.

Delicious cakes.

If you can articulate it,
we can create it.



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Cake Divas specialize
in custom cake design—
from simple elegance to
over-the-top whimsy.

Personalized attention.

Delicious cakes.

If you can articulate it,
we can create it.



Cake Divas

CD 00069

Thank you for supporting the "UGLY" Fundraiser 2003.
This Gift Certificate entitles the Bearer to a \$100.00
worth of

Cake Divas' Divialicious Deserts.

So when your ready give us a call @ 310/399-2499.
And please give us a couple of days notice, for
we only bake to order.

*Congratulations we look forward to creating your cake or dessert
dreams.*

**CAKE DIVAS' GIFT CERTIFICATE IS FOR
\$100.00 WORTH OF DIVIALICIOUS DESERTS.**

**PLEASE GIVE US A COUPLE OF DAYS
NOTICE.**

**FOR WE ONLY BAKE TO ORDER.
CONGRATULATIONS WE LOOK FOR-
WARD TO CREATING YOUR CAKE OR
DESSERT DREAMS.**

CD 00070

Cake Divas™

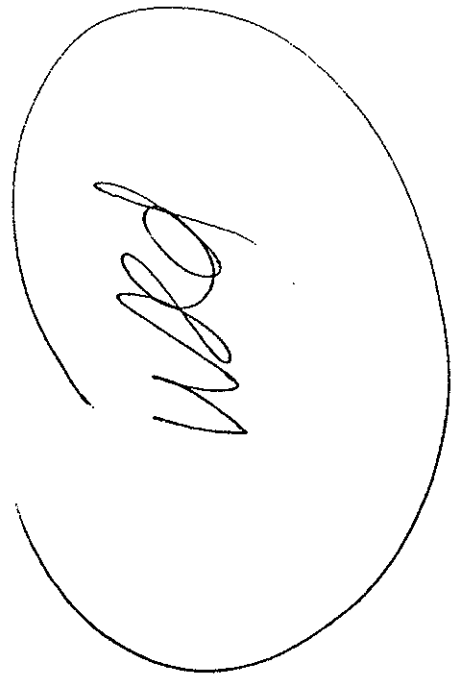
CD 00071

\$150 Gift Certificate from Cake Divas

For the March 22nd, 2005 "Legendary Bingo" benefiting
"Under the Bridges and on the Streets & Hear Me Roar Productions."

Please Note that the Cake Divas only bake to order and need 2 days advance notice. When you are ready to place an order please give us a call @ 310/287-2609. Thank you for coming out and supporting "Under the Bridges and on the Streets". This is an organization that is very dear to our hearts.


Warmly Leigh B. Grode and Joan L. Spitler, Cake Divas.



CD 00072



CD 00073



Joan Spittler
Leigh Grode
310 399 2499

BY APPOINTMENT ONLY

Cake Divas

CD 00074

CD 00075



Cake Divas

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BY APPOINTMENT ONLY

EXHIBIT 7

EXHIBIT

7



20, 2000

THE QUIXOTIC COP

Is Los Angeles County Sheriff
Lee Baca a Visionary Charging
Toward a More Humane Future,
or Is He Tilting at Windmills?

BY TINA DAUNT

[ALSO IN THIS IS

Thinking Outside the (Ethnic) B

Fashi

Gloria Reuben Goes Gla

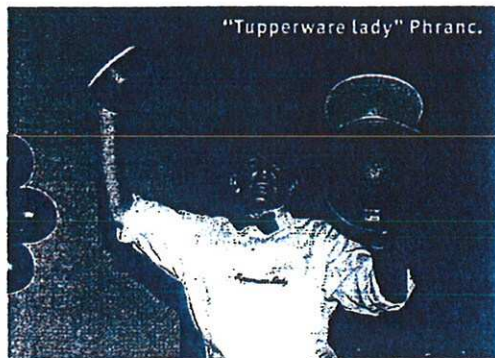
Very First Perso

Patti Davis' Hollywoo

Home & Gard

A Steel Trin

CD 00029



YOU ARE HERE

put a lid on it

concept: Tupperware Party benefit for Santa Monica's Highways Performance Space, hosted by self-described "Jewish lesbian folk singer" Phranc.

the pitch: "Hey, I'm your Tupperware lady/Yeah, I'm your Tupperware lady/You

me/It's got a lifetime guarantee." OK, it's not "our Land," but it gets the audience clapping. As she wrote songs for the power company to pay the bills, she got the buzz-cut, guitar-strummin' sapphic minstrel, praises of plastic to make ends meet. Donning a "Tupperware lady" apron, bow tie and Army boots, she explains why she lets its reps hold benefit parties; as much as she will go toward the performance space. Two years of experience as a performing folkie endows Phranc's presentation with plenty of wit. She flings plastic citrus peelers into the crowd so that everybody has one (her own). While much of her patter on salad spinners and freezer bowls is just for fun, her demo of the turkey baster would make Martha Stewart gag. "Let's get the announcements, and there's a dash for order forms."

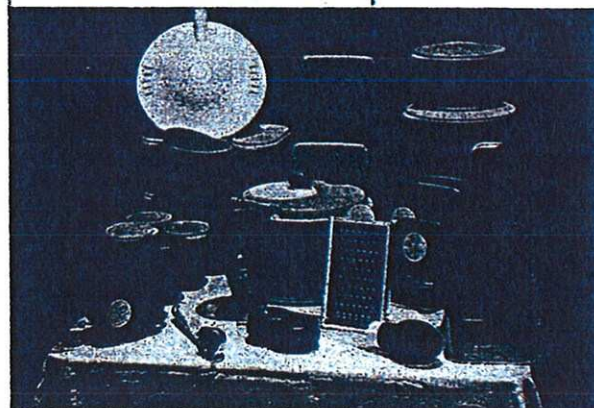


There's something about Phranc that's very down-to-earth and humorously. She and her partner, Kas Adams, run both Phranc and Highways, order raspberry-colored Freezer Mates. "It won't get damaged from freezing and warming," Malcolm says. "Tupperware products aren't only for domestic partners." "Tupperware is for everybody," Phranc, who moves more than \$4,500 worth of merchandise this afternoon, says. Katherine Chrisman runs a company that markets Tupperware-like parties. Her two young sons accompany her. "I like to expose them to different people and different environments," she explains. "I said, 'This guy has a business like Mommy's, and he has to be one heck of a showman.'" Her gender confusion aside, Chrisman grasps the underlying message: "I think we're getting the cheese grater," she says. "It's always a mess in my kitchen when I make tacos."

—Mark Ehrman



what's the score?



CELEB QUOTIENT: It's a tiny avant-garde performance space, not the Muscular Dystrophy telethon; no rating.

WOW FACTOR: Unlike a whole lot of performance art, this was actually entertaining, and so practical, too. 🍷 🍷

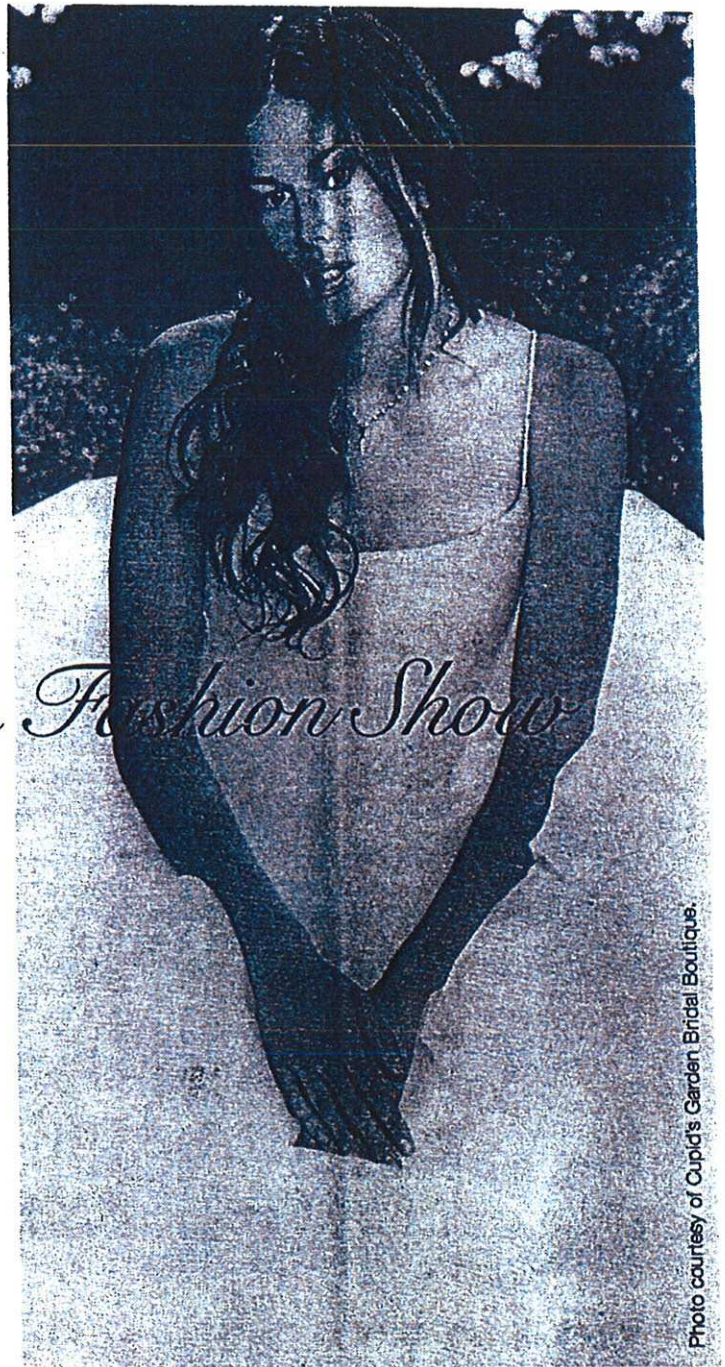
CHOW LINE: Yummy cakes courtesy of Cake Divas; two days later, they were still fresh and moist. 🍰

CD 00030

Join us Sunday, March 26th, 10:00am
at Bloomingdale's Century City, for our

Bridal Event & Fashion Show

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plan all the details of a perfect wedding.



bloomingdale's

CD 00027

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Start by joining us
for our bridal fashion show
featuring gowns from
Cupid's Garden Bridal
Boutique. Enjoy brunch
catered by Merv Griffin's
Beverly Hilton and cake
tastings from Cake Divas.
Hear wonderful wedding
advice from *Bride's*
Contributing Editor,
Laura Lee.



**The area's
top wedding resources
will also be with us**
including Helen P. Cherry
Photography, Mark's Garden,
David Burrows Entertainment,
Sunstone Vineyards and
Winery, Mary Dann Wedding
and Party Coordinators,
mECCA Bridal Accessories
and Gifts and more.

**Begin your registry
at this event**
and receive two very special
gifts: our award-winning
Bloomingdale's Home Planner
and *2000 Wedding Planner*.

**Enter to win
special prizes,**
including a luxurious 6-night/
7-day honeymoon at the
Westin Maui, Hawaii.
No purchase necessary to enter.



**Be sure to reserve
your place now,**
as seating is limited.
Cost is 20.00 per person and
the event starts at 10:00am.
To make reservations
or for more details, call
The Registry at Century City
at 310-772-2178.

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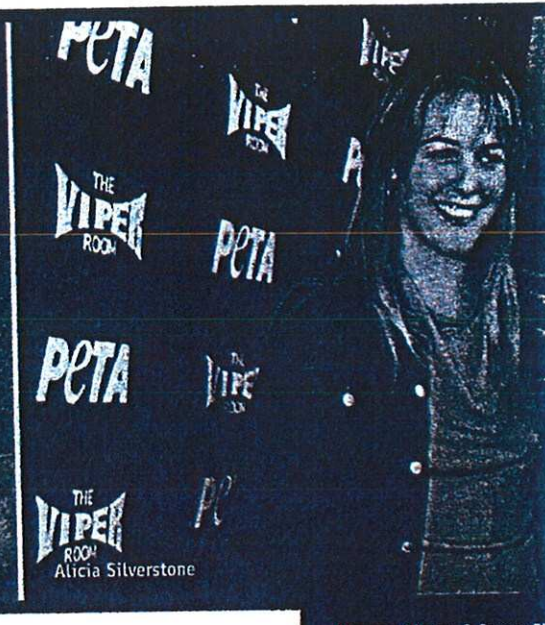
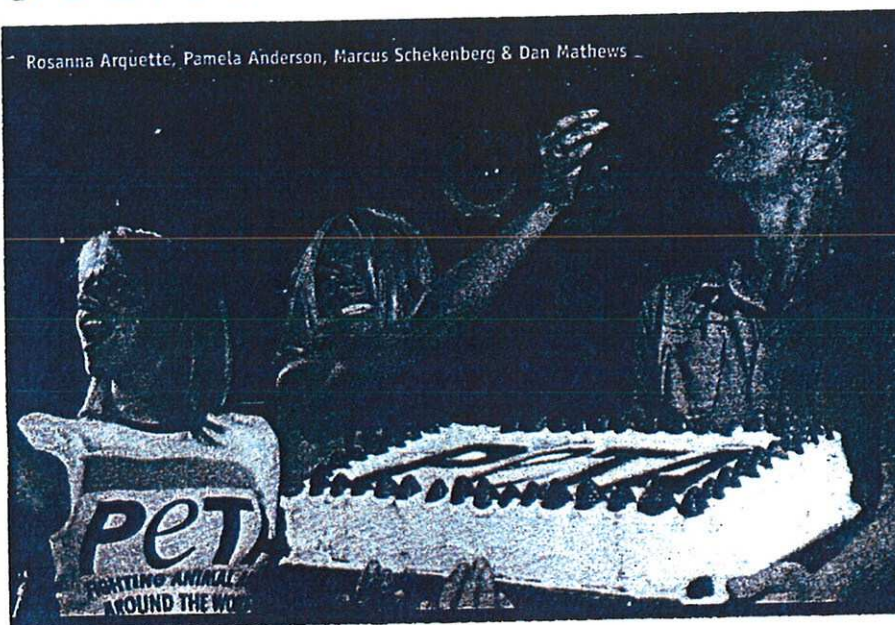
Have Style, Will Travel

CD 00031

7-7

SCENE IN L.A.

Rosanna Arquette, Pamela Anderson, Marcus Schenkerberg & Dan Mathews



Thomas Gibson & Jenna Elfman

HOLLYWOOD GETS ETHICAL

by Amy Lauren photography by Berliner Studio and Barry King

You'd never accuse celebrities of being overly sensitive about anything that didn't involve, well, themselves—at least not until the PETA craze (People for the Ethical Treatment of Animals) stirred up seemingly unlikely supporters like Pamela Anderson and her new beau, model Marcus Schenkerberg.

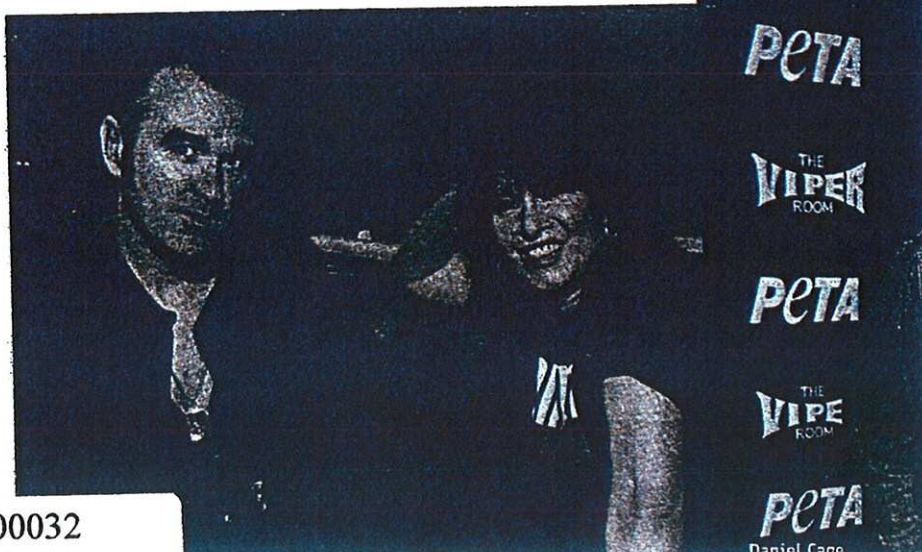
That's why it comes as no surprise that the 20th anniversary of PETA—hosted by famed animal activist and musician Chrissie Hynde and the Sunset Strip's legendary Viper Room—was a star-studded Hollywood event, replete with a 13-song set from The Pretenders and an apropos vegan chocolate cake by Cake Divas.

The organization, which is best known for its outrageous ad campaigns and exposés on animal treatment worldwide, celebrated two decades of activism with an intimate, 200-plus person bash which included party-goers like PETA advocates Alicia Silverstone, Jenna Elfman, Tobey Maguire, Rosanna Arquette (in a PETA T-shirt), Spike Jonze, Thomas Gibson, Jennifer Grey, Ione Skye, Shalom Harlow, MCA recording artist Daniel Cage and Blues Traveler front man John Popper.

Among other celebrated guests were Mark McGrath and Bill Maher, who both participated in a film presentation highlighting the B-52s and Steven Seagal's crusades against animal cruelty.

PETA President and founder Ingrid Newkirk took center stage and confessed that she and Pretenders lead vocalist Chrissie Hynde had "slept together in a cell" after being arrested for tearing up leather clothes in a New York City Gap, which led the retail giant to discontinue the purchase of all Indian and Chinese leather goods.

The highlight of the evening had to be The Pretenders' performance of "Kid," which songstress Hynde dedicated to a fellow animal activist, the late actor River Phoenix. Hynde rounded out the nostalgic set with "Chain Gang." After a night of great music and a positive messages for man's best friends (among others), guests went home to their pets with a newfound respect for pleather.



CD 00032



The Great Pretenders: Chrissie Hynde rocks out at the Viper Room in L. A.



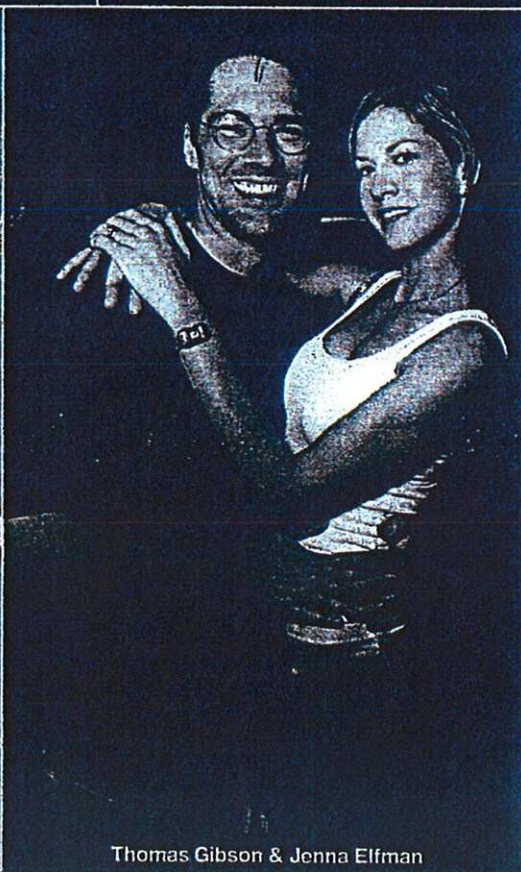
Marcus Schenkenberg & Pamela Anderson



Mark McGrath introducing Hynde



Alicia Silverstone



Thomas Gibson & Jenna Elfman



Rosanna Arquette & Lone Skye

animal house

PETA's fans raise the roof in Los Angeles

Did those cheeky activists at People for the Ethical Treatment of Animals (PETA) have the rage for snakeskin accessories in mind when they held their 20th-anniversary bash at Hollywood's Viper Room? "At least they didn't have it at Hamburger Hamlet," joked Thomas Gibson. "And it is a living, breathing viper seven nights a week," noted Sugar Ray's Mark McGrath, who joined longtime PETA supporters Alicia Silverstone, Bill Maher and Pamela Anderson. Said Anderson, whose animal attraction seemed to be toward supermodel Marcus Schenkenberg: "It's nice to see all my friends in one room." Aside from a surprisingly tasty vegan birthday cake, the main draw was a live set by the legendary Chrissie Hynde. "I'm going to sit calmly and let her music completely infiltrate my world," said Jenna Elfman. Thanks to Hynde, even a couple of unrepentant carnivores crashed the party. "I came because I'm a big Pretenders fan," said Jennifer Grey. "I'm all about those animals, but I do eat them." Well, there's always Hamburger Hamlet. —Ellen Lieberman

In Style december 2000

CD 00033

7-9

InStyle A Special Issue for the Bride Weddings

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to splurges

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for every figure

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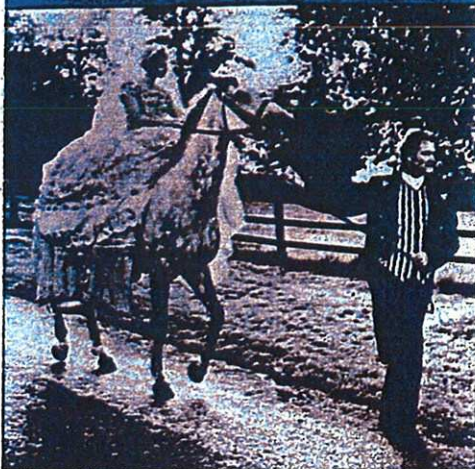


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CD 00016

7-10

What's Your Secret ...



"I serenaded my bride with a most appropriate song at our wedding 'Someone to Watch over Me' because that's what Trudie has always been to me, as well as the mother of our children."

Sting, wed to Trudie Styler, August 20, 1992



"We keep a lot of candles in our bedroom. I want us to always stay honeymooners so we never go to bed angry."

Clint Black, wed to Lisa Hartman, October 20, 1991



"We make a date once a week. He can't see me until I'm ready—I make sure I look and smell extra special."

Victoria Principal, wed to Harry Glassman, June 22, 1985



Mack 10 and T-Boz (above) and their look-alike bride-and-groom topper (above, right); Patrick Stewart and Wendy Neuss

Can You Top This?



Call it he, she and mini-me, as couples take cake customization beyond flavor and frosting. Newlyweds Patrick Stewart and Wendy Neuss asked the Cake Divas in L.A. (310-399-2499) to adorn their 120 individual cakes with toppers on which the groom's head was painted bald. TLC's T-Boz and rapper Mack 10 went a step further, placing an eight-inch caricature of themselves atop their tiers (by special order, It Figures, \$850; 818-509-0200). Says Melanie Waldman of It Figures: "Weddings bring together family and friends. A topper is the one thing to take away that is really about the two of you."

WHAT'S HOT: EIGHTIES MUSIC

Call it the new new wave, as pop songs last heard on Reagan-era radio are becoming must-plays at weddings. "We're always 20 years behind. In the nineties, we had seventies disco. Now, we're seeing a resurgence of the eighties," says Jim Eppolito of West Coast Music (310-278-6848), who kept dance floors full at the weddings of Pete Sampras and Noah Wyle. But, warns Eppolito, don't stick to a diet of all Duran Duran. It would be wrong to assume that every guest—young or old—shares your sense of nostalgia.

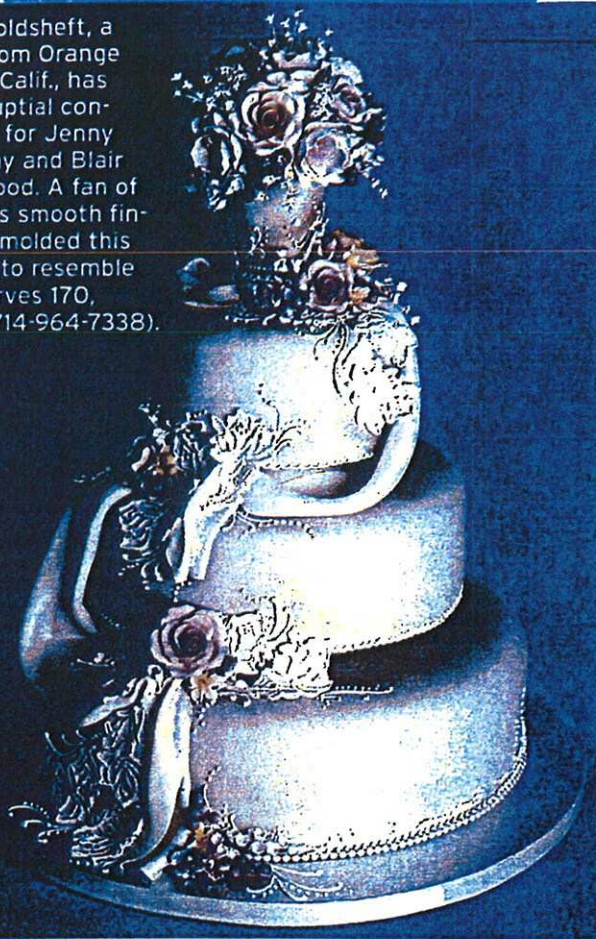
Two Chic

Trendsetting brides are finding innovative ways to combine two traditional elements into one. For Ryan Haddon and Christian Slater, planner Mindy Weiss eliminated the need for place cards by putting names on menu cards. In lieu of floral centerpieces, L.A. planner Yvonne White has used pretty tabletop wedding cakes. Other brides, while sticking to flowers, are creating centerpieces out of several smaller arrangements that guests can take home as favors. Bottom line? A little creativity can double your wedding fun.

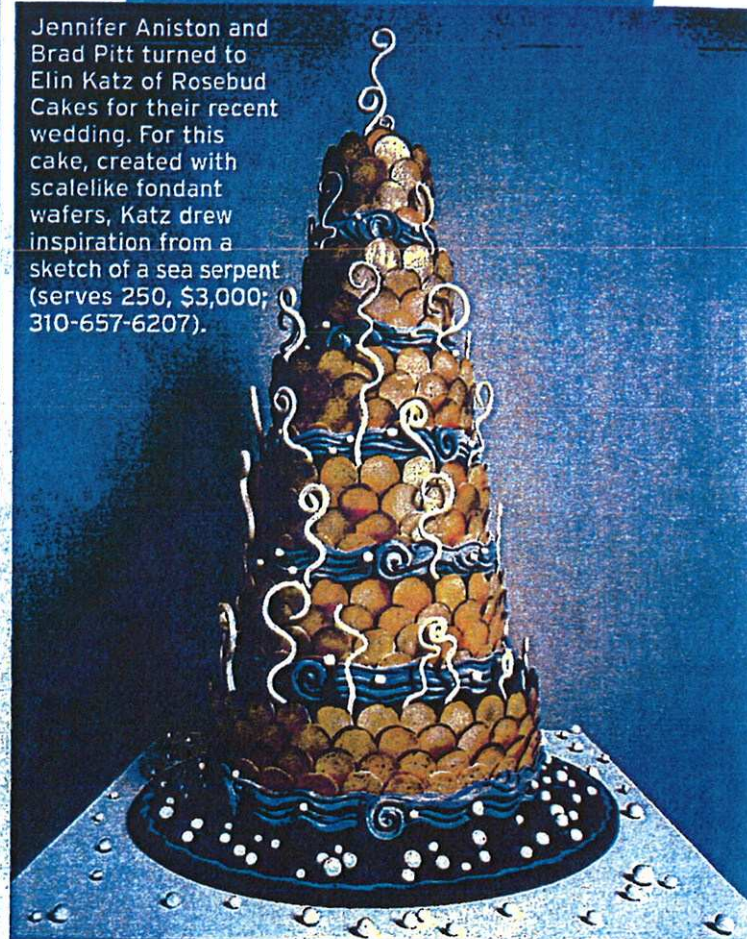
Just deux it: Mindy Weiss made a similar menu-cum-place-card for Christian Slater.



Linda Goldsheft, a baker from Orange County, Calif., has made nuptial connections for Jenny McCarthy and Blair Underwood. A fan of fondant's smooth finish, she molded this frosting to resemble lace (serves 170, \$2,125; 714-964-7338).



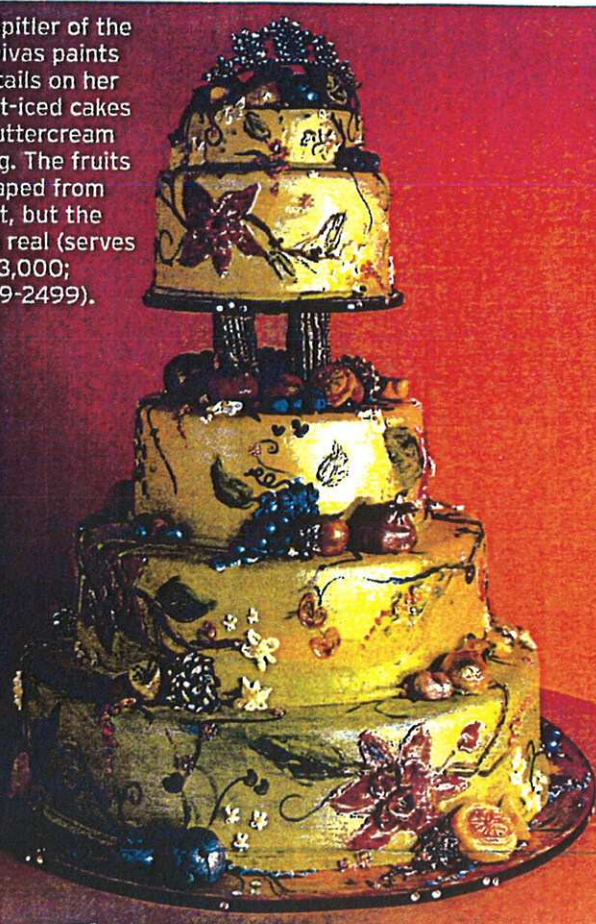
Jennifer Aniston and Brad Pitt turned to Elin Katz of Rosebud Cakes for their recent wedding. For this cake, created with scalelike fondant wafers, Katz drew inspiration from a sketch of a sea serpent (serves 250, \$3,000; 310-657-6207).



Cotton-candy tufts make this shimmery cake look as if it's floating in the clouds. Hollywood baker Tammy Massman-Johnson topped the cake with a Swarovski crystal heart (serves 100, \$1,300; 23-960-9039).



Joan Spitler of the Cake Divas paints the details on her fondant-iced cakes with buttercream frosting. The fruits are shaped from fondant, but the tiara is real (serves 200, \$3,000; 310-399-2499).



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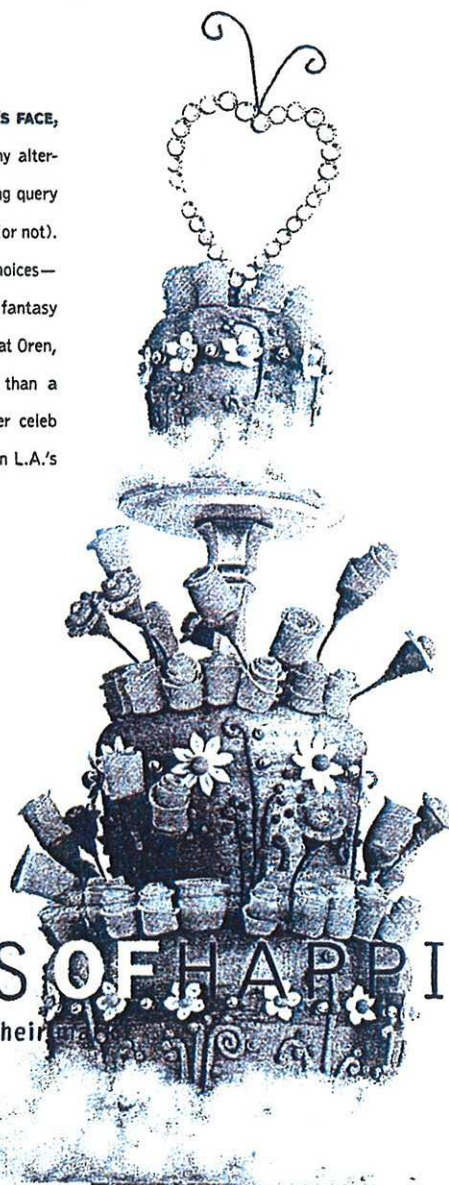
CD 00036

7-13

TO SMASH A PIECE OF CAKE IN YOUR SPOUSE'S FACE, OR NOT TO? That may be the question for many alter-bound couples, but perhaps an even more pressing query is what kind of cake you're considering smashing (or not). Wading through a myriad of wedding pastry choices—from baby-boomer traditional to funky fantasy creations—is no piece of cake. Here to help is Yifat Oren, one of L.A.'s top wedding planners for more than a decade. While respectfully tight-lipped about her celeb clientele, Oren nevertheless dishes up the goods on L.A.'s best wedding cake makers.

TIERS OF HAPPINESS

Cakes that make their



CAKE DIVAS If you're searching for a cake to reflect your love and commitment, look no further than Cake Divas. Known for their signature cake—a multi-tiered creation embellished with the couple's wedding vows written in iridescent frosting—they design cakes that "cater to the spiritualists within," says Oren. And without, too. Cake Divas recently baked a cake for the Dalai Lama himself. Owners Leigh Grode and Joan Spittler, who consider their work high art, have backgrounds in painting and sculpture: "We make your fantasies a three-dimensional reality," says Grode. One thing you won't get at Cake Divas is any highfalutin attitude: The duo takes requests for anything from chocolate marble to green tea to a super-sized version of your grandmother's beloved recipe.

FANTASY FROSTINGS Draping bows, gold painted leaves, stunning flowers and an intricate basket weave design, these are the cakes of choice for brides planning a fairytale wedding. "The details are flawless, down to the piped out butter cream frosting," says Oren. Perhaps practice does make perfect. Owner Joyce Maynor has been in the business for 30 years, during which time she's created an enormous following that includes many luxury-loving traditionalists like John Stamos and Rebecca Romijn. Oren's particular favorite is the shaved dark chocolate with Grand Marnier and fresh raspberries creation. Oren also suggests that couples personalize their ornate cakes by coordinating the frosted flowers and bows with the wedding's color scheme.

VERY DIFFERENT CAKES BY TAMMY MASSMAN-JOHNSON Ever dream of having a teal iced cake with yellow and white fondant flowers over a chocolate cake with a cotton candy base? Very Different Cakes is where it all happens. "It's all about style," says owner Massman-Johnson, who cites Dr. Seuss as

a primary influence for her whimsical, otherworldly creations. "I do a lot of hand painting and get a sense of animation with sugar-coated flowers popping out of the cake." Her *pieces de resistance*, however, are the cake toppers which include a Swarovski crystal heart. Says Oren, "Guests go crazy when they see these cakes; there's no doubt people will talk about them for years to come."

RHUBARB Chocoholics will go wild over Rhubarb cakes, especially their decadent desserts glazed with chocolate cream and filled with rich chocolate ganache. Elegant simplicity is what it's all about here. Cakes such as the Swiss Dot, which is covered in a series precise points of frosting, add a twist to tradition, allowing couples to express themselves from within the realm of classic design. Oren says that chocolate cakes are the latest trend, but what's fashion got to do with fabulous flavor? Using Michel Cluizel and Valrona chocolates, owners David Saltzman and Tracy Callahan have raised the bar on wedding cakes with their no corner-cutting approach: "We hand make each cake, and only do it from scratch with the very best ingredients. I want people to enjoy eating my cakes as well as looking at them," says Callahan. Sounds like having your cake and eating it too may just be possible on your big day.

by Stacey Howard photo by Gina Sabatella

SHOW EACH THE LOOKS YOU LOVE FROM THE MOVIES

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50 Best Beauty Buys

The Ultimate
Shopping List

What to Wear Now

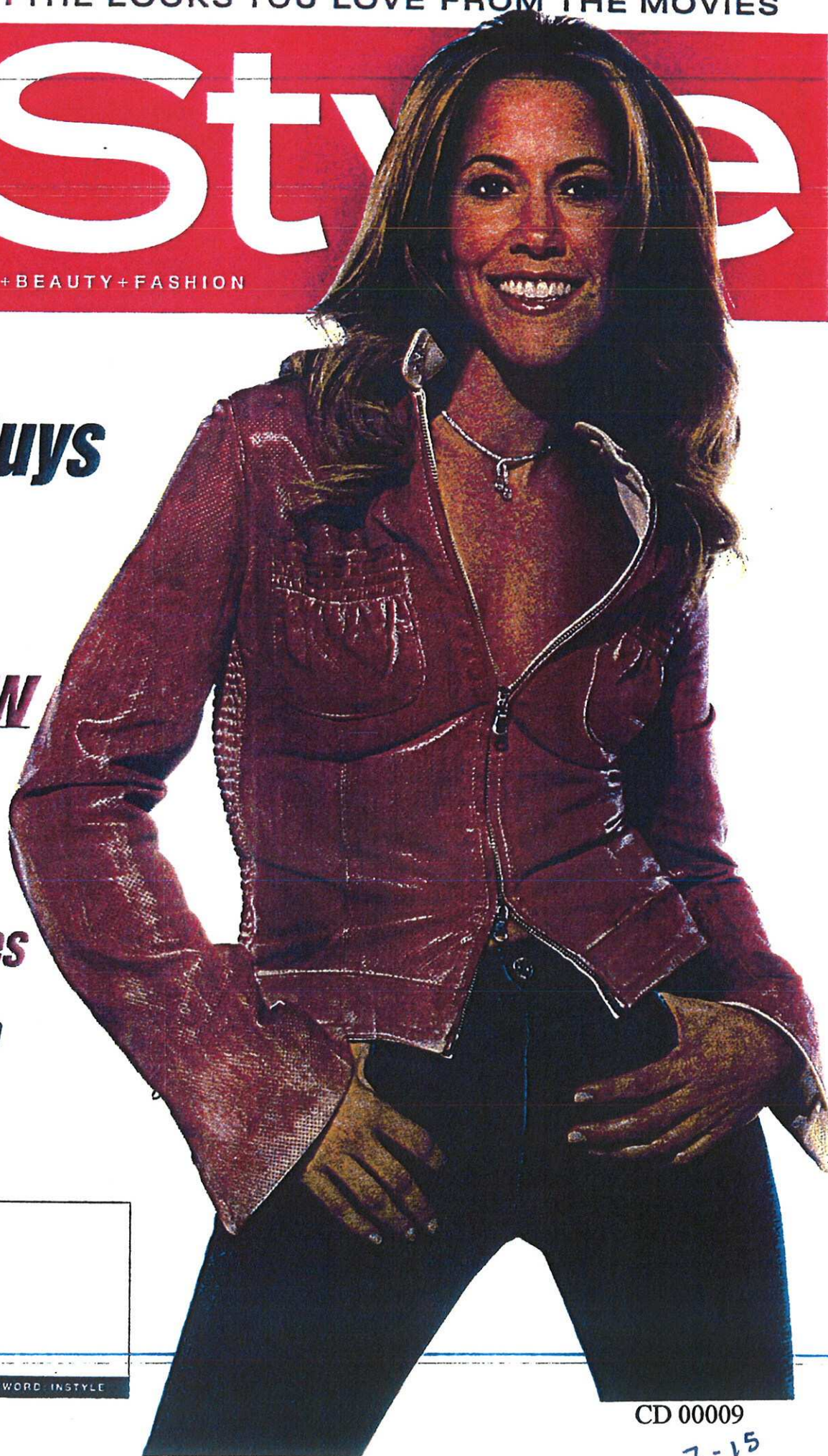
Spring Wardrobe
Must-Haves

13 New Bags

Perfect Pieces

Dress Them Up,
Dress Them Down

Hanging Out with
Sheryl Crow



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7-15



David Arquette and Cox flank John C. McGinley, one of Miller's *Scrubs* co-stars.

the elements

the event A baby shower for Christa Miller and Bill Lawrence's second child (their first, Charlotte Sarah, is 2). Hosted by Dana Walden, chief of 20th Century Fox TV, and her husband, music exec Matt Walden, as well as sitcom writers Mike and Bonnie Sikowitz, at the Waldens' Brentwood home.

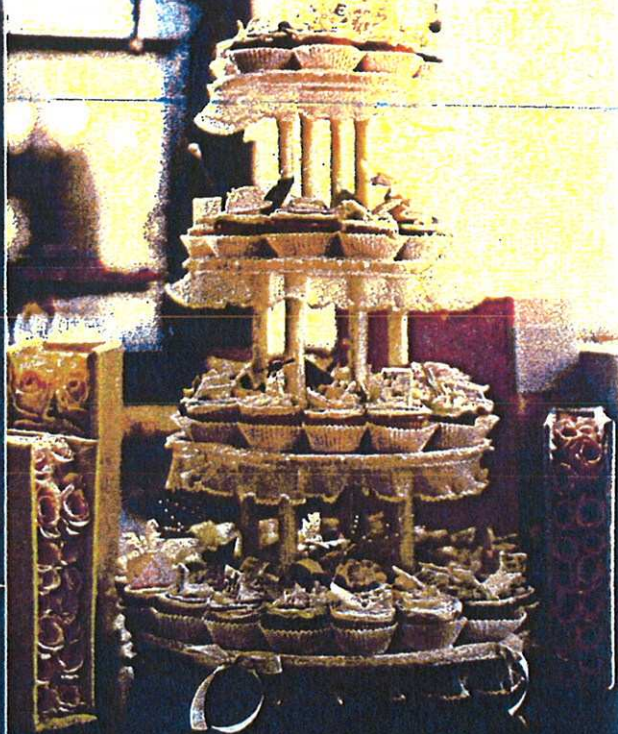
the setting When event planner Mindy Weiss decorated the house, she wanted it to be "whimsical but not too cute." Going for a "buttery, soft palette," she placed pastel rose arrangements from florist Mark's Garden throughout the house. Book-shaped centerpieces also featured tiny roses.

the food Steve Ullman of Delicacies Fine Catering in L.A. provided small, passed hors d'oeuvres—quesadillas with Brie, mango and fresh mint; spicy crab cakes; silver-dollar cheeseburgers; and vegetarian egg rolls—and a panini station. Desserts included lemon and pecan bars and a "cupcake cake" crafted by Cake Divas.

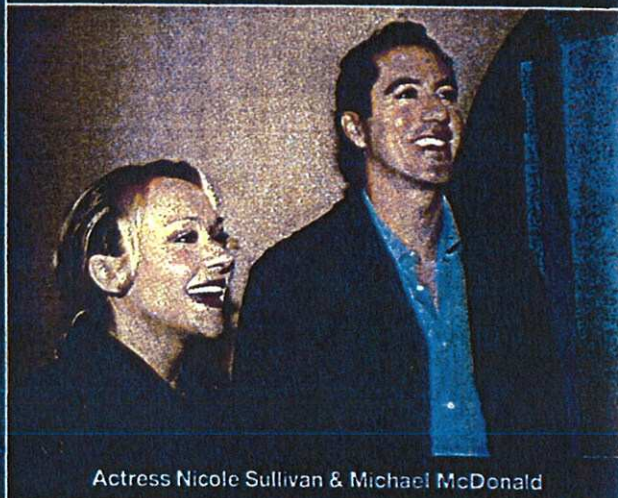
the parting gift Each guest left with one of Bill and Christa's favorite books, Paulo Coelho's fable *The Alchemist*. "I know it sounds corny," says Miller, "but Bill read it aloud to me in my first pregnancy, so it's special for us."



The Practice's Kelli Williams



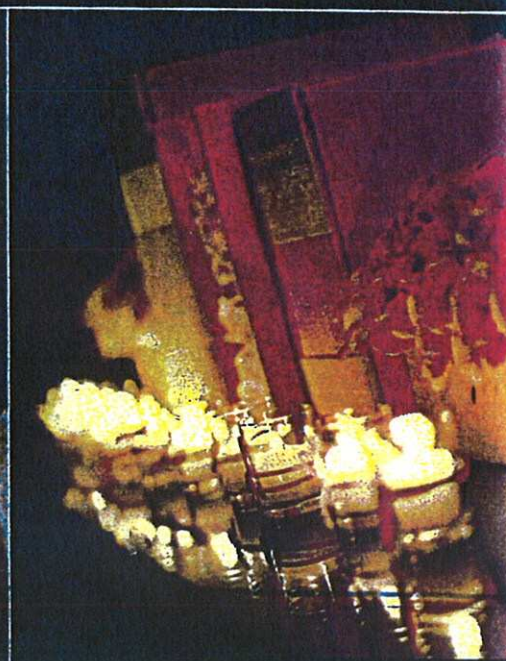
Cupcakes topped with edible books and butterflies



Actress Nicole Sullivan & Michael McDonald



Jami Gertz



Pink bouquets matched the scented candles.

Marital Counsel



LOS ANGELES — Forget white cakes, white dresses and white flowers. Ditto traditional vows and venues. Wedding planner Joanne Gartin, owner of Love, Luck and Angels, prefers to make her own rules. After all, her own wedding dress was dusty rose, while the Malibu reception was strewn with colored orchids and Balinese silk lanterns.

"Most clients don't come to me for a traditional wedding," she says. "It's fun to twist tradition, and people in Los Angeles especially are more open to that." And Gartin should know. Meeting her is like coming face-to-face with a matrimonial encyclopedia, Palm Pilot and Rolodex rolled into one.

Helping her old friend and new client, actress Elizabeth Banks, choose a cake for her nuptials, Gartin pulls out the stops, setting out Cake Divas' cake and fresh mint iced tea in the backyard of her Spanish-style home and headquarters.

Banks' prospective cake is actually white, but Gartin has decorated it with green and fuchsia New Zealand orchids and set it in a base lined with tropical leaves to match the reception's Zen theme. "I've always wanted a simple, square cake," says Banks. "I heard you're supposed to have white cake because it's virginal."

"In that case you'll be getting a red velvet cake!" Gartin teases before returning to business mode. Banks' fiancé insists on chocolate — and no nuts. "Most guys don't even get a choice," says Gartin.

Over the last year and a half, Gartin's celebrity clients have included Elizabeth Berkley and Greg Lauren, Molly Shannon, Taye Diggs as well as various industry types.

Still, she's always budget minded, even when dealing with movie stars. "Weddings are terrible," she sighs. "Anything you order in white costs three times as much as it does

in any other color. You have to know how to make deals."

To find her party props, Gartin scours L.A.'s ethnic neighborhoods and downtown markets. In Venice Beach, for example, she found a street vendor to make palm-frond flowers and a Chinese artist to calligraph guests' place cards as they watched. Many of Gartin's ideas translate into small gifts to take home — framed black-and-white photographs of family members or embroidered table cards that she later had made into a quilt.

Though she can do it all, from designing and printing invitations to orchestrating the ceremony to planning the menu, flowers are the detail Gartin is most passionate about. She loves colorful orchids, but has been known to dye flowers. She also has painstakingly pasted these special blooms onto hundreds of invitations. To give candles the right look, she has pre-melted them for hours.

Gartin was born in New Zealand and grew up on Australia's Gold Coast, where she studied psychology and physics. "I can add, subtract and deal with mental brides," she says. "It's perfect." After a stint modeling in New York, where she met her husband, actor Christopher Gartin, she moved to L.A. and started her own mosaic tile frame company. Arranging flowers came next, and after planning her own wedding, friends asked her to do theirs.

Of course, Gartin's experience in the fashion business also has come in handy. When one bride's hair stylist failed to show, Gartin stepped in. Clients always turn to her for advice on choosing a wedding dress.

And in Hollywood, putting on a show is a particularly handy skill. "A wedding is for the bride and groom," Gartin says, "but sometimes you've got 300 people watching, so you want to make it entertaining."

— Marcy Medina

"I can add, subtract and deal with mental brides."

— Joanne Gartin



Wedding planner Joanne Gartin with client Elizabeth Banks, star of the upcoming "Goodnight."



Wright On

NEW YORK — At age 19, Lizz Wright suffered from what she calls "young singer's syndrome." She channeled a Thelma Houston-style charade in Atlanta's jazz clubs, stuck to standards like "Summertime" and even added a second "2" to her name for effect. Four years and genres later, Wright, who just released her debut album, "Self," has ditched a singular style for an informed mix of gospel, jazz, pop and soul and will take her act to Avery Fisher Hall on Saturday, as part of the JVC Jazz Festival.

A minister's daughter, Wright grew up in Kathleen, Ga., where she sang in the church choir. "By high school, I was putting the music for the services together and teaching Sunday school to everybody's kids," she says.

After a year studying opera at Georgia State and during a six-month stint as a Geico insurance agent, Wright began driving to Atlanta jazz clubs and sitting in on jam sessions. She teamed up with local band In the Spirit and quickly caught the attention of Verve Records president and chief executive Ron Goldstein, who was searching for vocal jazz artists like crossover star Diana Krall.

"I was signed really early and at first it made me insecure," she says. "But I began to see a story in the life I lived and in the voice I had already." For a year and a half, Wright worked with renowned producers like Tommy LiPuma, who has produced Krall and George Benson, took voice lessons and, song by song, developed her album. "It was like trying to paint or draw a picture you're actually seeing," she says of the process.

Wright, who is tall, slender and striking, also learned how to deal with the mounting buzz heralding her arrival on the scene. After performing at a star-studded Billie Holiday tribute last July, Los Angeles Times jazz critic Don Heckman called Wright "the real surprise of the evening."

"The buzz is really cool," says Wright. "But it sure was going faster than me."

Now, at 23, Wright's velvety voice conveys raw emotion and richness. And though she sings the gospel classic, "Walk With Me, Lord" on her album, she insists that she doesn't work the "vocal gymnastics" of popular music. "Waiting gospel and cool jazz are not her bag — at least not on their own. Instead, her album mixes covers ("Soon as I Get Home" from "The Wiz," Nina Simone's "End of the Line") and original songs.

Though Wright once endured hour-long vocal exercises before stepping onto the stage, she now relies on a preconcert concoction that, like her music, is all her own.

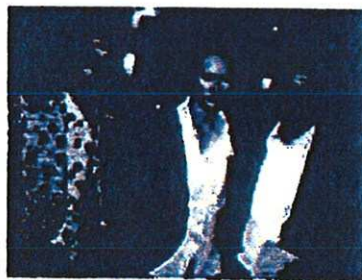
"I'll have a black cup of coffee, do some jumping jacks and sing."

— Jamie Rosen



Lizz Wright

Tango in Paris



Tilda Swinton with Victor Norring, left, and Rolf Snerren.

I was Tango fever last Thursday night in Paris when Cristina Owen-Jones, wife of EORéal CEO Lindsay Owen-Jones, hosted a benefit gala for UNESCO at the Palais de Chaillot theater.

The Tangoviva Buenos Aires troupe and orchestra performed in front of a sellout crowd including Karl Lagerfeld, Betty Lagardère, Tilda Swinton, and Victor Norring and Rolf Snerren. The design duo came to town specifically for the event — it takes two to tango, after all — in part because Snerren himself used to dance.

"I love tango," he said. "But I haven't danced it in 10 years."

Lagardère was another enthusiastic fan.

"My South American roots, you know," she mused.

Owen-Jones, who was chairing her first benefit that night, explained the gala would help Argentina's distressed children.

"I saw so much poverty when I traveled to Buenos Aires that it became a priority for me to help these children," she said after the show.



The Perks of Pregnancy

June 1, 2005

It was a day of manicures and tarot cards – but this wasn't a hip new spa, it was a baby shower for our very own Dayna Devon!

All of her past and present "Extra" family, including Mark McGrath and Leeze Gibbons, joined Dayna at the posh Varnish salon in Hollywood!

"Dayna doesn't like baby showers," celeb event planner Randy Furhman noted. "So we're doing it very

untraditional."

And Randy wasn't kidding. He transformed the stylish salon into a beautiful bash for Dayna's upcoming bundle of joy, complete with red and pink roses by Collage Flowers, decadent desserts by Cake Divas and Godiva's signature drink, the delicious Chocaliver.

But the biggest surprise of day was a beautiful David Netto basinette filled with goodies like a Petunia Pickle Bottom diaper bag, adorable baby booties by Frye, and a precious mother/daughter bracelet set by Simply Tiffany Taite.

You can check out all of Dayna's baby goodies in Life & Style magazine on stands Friday – and be sure to enter for your chance to win your own baby goodie bag from "Extra," right here!

"EXTRA'S" BABY GOODIE BAG GIVEAWAY

Click [here](#) to enter – this great giveaway gift bag includes:

Simply Tiffany Taite (mother/daughter pearl bracelets, silver rattle, tea set): www.simplytiffanytaite.com



Nom Maternity (perfume): www.naissancematernity.com/



Small Frye Harness Booties: www.fryeboots.com



Sanrio (Hello Kitty): www.Sanrio.com

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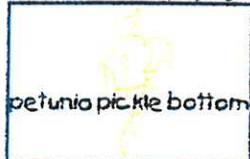




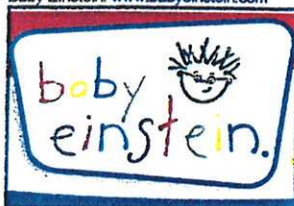
Godiva: www.Godiva.com



Petunia Pickle Bottom (baby bag & blanket): www.Petuniapicklebottom.com



Baby Einstein: www.babyeinstein.com



Yo My Booties: www.yomybooties.com



Randy Fuhrman Events (certificate for brownies): www.randyfuhrmanevents.com



Borba (drink): www.borba.net



Our thanks to all who helped make Dayna's shower an unforgettable day!

Randy Fuhrman Events (planner & caterer): www.randyfuhrmanevents.com



Cake Divas: www.cakedivas.com



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Tom Cruise VS ???

- ☐ Brad Pitt
☐ Johnny Depp
☐ Karl Rove
☐ The State of California

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Wedding Cakes



Cake Divas
 Los Angeles
 310.287.2609
 Neighborhood: Greater Los Angeles



Sweet Lady Jane
 Los Angeles
 323.653.7145
 Neighborhood: West Hollywood



Rhubarb
 Los Angeles
 310.397.7545
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Soolip Hosts a Wedding-to-Be

Who: Soolip Paperie & Press, a

Melrose Avenue paper boutique

What: A Soolip Wedding

Where: Shutters on the Beach, Santa Monica

When: Feb. 4

The Scene: The approximately 200 guests were comprised of soon-to-be brides, their soon-to-be-mothers-in-law and an attentive contingent of wedding planners, caterers, florists, dressers, videographers and the like. The crowd had gathered for "Soolip Wedding," a collection of the makings for a perfect wedding, hosted by Soolip, the West Hollywood boutique that carries fine paper, books and handcrafted apparel and gifts. The result was an afternoon that was no less than a rehearsal for the dream of a perfect wedding that included a soigné-catered bridal luncheon at an elegant seaside hotel on a perfect Southern California day. A fashion show with the best of **Badgley Mischka** wedding gowns, modeled by statuesque beauties with Princess Leia hair. Free-flowing wines and champagne by **Du Vin**. Two kinds of sumptuous wedding cake by **Cake Divas**. Exquisite floral arrangements by **LA Premiere Florists**. Plus tasteful displays of **Frette** linens, **Smashbox** cosmetics, **Jimmy Choo** shoes, **23rd Street Jewelers** baubles and **La Perla** lingerie. The theme of the afternoon—as one self-described "celebrity florist" in attendance described it—was "fabulous weddings, no surprises." To that end, he advised the attentive, wide-eyed brides-to-be and the few "aw-shucks" guys they dragged along with them, "Hire the best, let them do what they want to do, tell them your dream, be yourself and be fabulous." Good advice for almost any formal occasion.

—Louis Chunovic



Hair styling by Yuki Sharoni



Bridal bag by designs by Fonda



Soolip founder Wanda Wen and wedding host Mark-Alan Harmon



Always a bridesmaid, never a bride—except at Soolip



A bevy of brides in Badgley Mischka



Floral wedding cake by Cake Divas



Model striking pose in Badgley Mischka



Display of invitations, stationery and albums

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NEW YORK

CALIFORNIA
APPAREL
NEWS
9-15

SMART SOLUTIONS

HOST
Maty Monfort

Show #564

VTR: 6/08/00
Tapes: 2ND

Executive Producers:
Gary H. Grossman
Robb Weller

Producers in order:
Kristin DeLeo
Julieann Pavesi
Taha Howze

Associate Producers:
Diane Trafford
Jena Burke

Guests:
Eugenia Weston
Joan Spitler
Dia Collins



CD 00077

SMART SOLUTIONS

SHOW #564(TH13)(W1) -- Monday, June 12, 2000

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

[#1]

COLD OPEN

Talent:

Maty Monfort,

Eugenia Weston

Joan Spidler

Dia Collins

TRT: 00:40

SS: SS BUG (LOWER LEFT)

MUSIC: SS VAMP

MATY

**HELLO...I'M MATY MONFORT AND
WELCOME TO OUR SPECIAL WEDDING
EPISODE...**

LOCATION: KITCHEN

**TODAY, SMART SOLUTIONS FOR THOSE
PRICEY WEDDING CAKES. CAKE EXPERT
JOAN SPITLER SHARES HER
PROFESSIONAL SECRETS ON MAKING
YOUR OWN SPECIAL OCCASION CAKE.
HELLO JOAN...**

CD 00078

8-2

SMART SOLUTIONS

SHOW #564(TH13)(W1) – Monday, June 12, 20002

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW_____

JR_____

Seg1 Prod_____Seg2 Prod_____Seg3 Prod_____

LOCATION: ICE CREAM TABLE

AND...YOU CAN CREATE A WEDDING
BOUQUET FOR THAT A SPECIAL DAY.
FLORAL EXPERT DIA COLLINS "TIES THE
KNOT" ON FABULOUS DO-IT-YOURSELF
FLOWER ARRANGEMENTS. HI DIA...

LOCATION: LIVING ROOM

PLUS...LOOKING PICTURE PERFECT FOR
YOUR WEDDING OR ANY OCCASION.
MAKE-UP ARTIST EUGENIA WESTON HAS
THE ANSWERS WHEN

ALL THAT AND OUR SMART SOLUTION OF
THE DAY...

VTPB: OPEN ANIMATION & MUSIC

CD 00079

8-3

SMART SOLUTIONS

SHOW #564(TH13)(W1) - Monday, June 12, 20003

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 1 [#3]

VTPB: BUMP SHOT W/LOGO

MUSIC

MAKE-UP FOR

BRIDES

Talent:

Maty Monfort

Eugenia Weston

Producer: Kristin

DeLeo

TRT: 6:30

LOCATION: LIVING ROOM

TWO DIRECTOR'S

CHAIRS

MAKE-UP TABLE

PROPS:

VARIETY OF MAKE-UP THAT GUEST WILL BRING

MAKE-UP SPONGES

MAKE-UP BRUSHES

MORE TO COME

CHYRON: MATY

MONFORT

MATY

HELLO AND WELCOME TO SMART

SOLUTIONS... TODAY...CREATIVE

CAKES FOR SPECIAL

CD 00080

8-4

SMART SOLUTIONS
SHOW #564(TH13)(W1) – Monday, June 12, 20004
A/O 06/08/00 8:05 AM
SHOOT ORDER: 2ND

DW _____
JR _____
Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 1

**OCCASIONS...AND SIMPLE WAYS
TO MAKE FLORAL BOUQUETS...**

BUT FIRST...

**WHETHER YOU ARE HEADING
DOWN THE AISLE, OR JUST OUT
FOR A SPECIAL EVENING, YOU
WANT TO LOOK RIGHT. HERE TO
SHOW US HOW, IS PROFESSIONAL
MAKE-UP ARTIST, EUGENIA
WESTON.**

(AD-LIB HELLO)

**CHYRON: EUGENIA
WESTON**

**PROFESSIONAL MAKE-
UP ARTIST**

QUESTIONS

**1. HOW IMPORTANT IS YOUR MAKE-UP ON
YOUR WEDDING DAY?**

- **YOU WANT TO LOOK NATURAL NOT
MADE UP.**
- **YOU WANT TO LOOK GOOD IN THE
PHOTOS**

CD 00081

SMART SOLUTIONS

SHOW #564{TH13}(W1) - Monday, June 12, 20005

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 1

- YOU DON'T WANT YOUR LOOK TO BE DATED... STICK TO CLASSICS NOT TRENDS.
- THESE TIPS WORK FOR ANYONE WHO HAS A FORMAL EVENT WHERE PHOTOS WILL BE TAKEN.

2. WHERE DO WE START?

DEMOS: FOUNDATION

STICK TO FOUNDATIONS AND POWDERS WITH A YELLOWISH BASE COLOR.

- USE A SPONGE TO APPLY
- STAY AWAY FROM MATTE, USE SHEER COVERAGE.

MENTIONS: USING YELLOW BASED

FOUNDATION ELIMINATES BLUE LOOKING SKIN FROM FLASHBULBS.

3. SHOULD YOU PAY CLOSER ATTENTION TO YOUR NECKLINE?

DEMOS:

TREAT YOU NECK LIKE IT'S YOUR FACE

- APPLY CONCEALER TO DARK SPOTS ON NECK

CD 00082

SMART SOLUTIONS

SHOW #564(TH13)(W1) - Monday, June 12, 20006

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 1

- APPLY FOUNDATION AND POWER SAME AS FACE.

MENTIONS: MAJORITY OF WEDDING AND FORMAL GOWNS HAVE LOW OR PLUNGING NECKLINES, THIS EXPOSES SKIN WHICH SHOULD BE AS FLAWLESS AS THE FACE.

4. WHAT ABOUT YOUR EYES?

DEMOS: EYE ENHANCEMENT

STICK TO EYE SHADOWS IN THE LIGHT TO MEDIUM RANGE.

- APPLY (ON CAUCASIAN MODEL) WHITE TONED SHADOW UNDER BROW-BONE TO OPEN UP EYE.
- APPLY (ON AFRICAN-AMERICAN MODEL) TOAST COLORED EYE SHADOW UNDER BROW BONE.

MENTIONS: THIS WILL COMPLIMENT THE LIGHT COLOR OF WOMAN'S DRESS. ALWAYS FINISH WITH WATERPROOF MASCARA AND EYELINER

CD 00083

8-7

SMART SOLUTIONS

SHOW #564 (TH13) (W1) – Monday, June 12, 2007

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 1

TO AVOID SMEARS IF TEARS HAPPEN DURING
THE DAY.

5. WHAT ABOUT BLUSH?

DEMOS: CHEEK STAINS

CHEEK STAINS WORK ARE A MORE NATURAL
LOOK THAN POWDER BLUSH AND LAST ALL
DAY AND INTO NIGHT.

- SHOW DIFFERENT CHEEK STAINS – GEL,
CRÈME, STICK
- SHOW POWDER BLUSH
- APPLY STAIN TO MODELS

6. WHAT ABOUT LIPS? HOW CAN YOU MAKE YOUR COLOR LAST?

DEMOS: LIPSTICK COLORS AND LIPSTICK

FIXATIVES

IF YOU NORMALLY WEAR NEUTRAL SHADES OF
LIPSTICK, USE THAT COLOR AS YOUR BASE
AND APPLY A PINK OR ROSE SHADE ON TOP.

- SHOW VARIETY OF PINK AND ROSE SHADES
- APPLY WITH LIP BRUSH

SMART SOLUTIONS

SHOW #564 (TH13) (W1) - Monday, June 12, 20008

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 1

- SHOW BOTH LOOKS ON BOTH MODELS
- FINISH WITH LIP FIXATIVE

MENTIONS: LIP FIXATIVE WORKS TO "SEAL" THE
COLOR TO YOUR LIPS, FOR ALL DAY INTO NIGHT
COLOR.

WE WILL SHOW A BEFORE AND AFTER SHOT OF
EACH MODEL WITH THEIR NORMAL EVERYDAY
MAKE-UP AND THEIR BRIDAL MAKE-UP.

MATY

(RECAP AND AD-LIB THANKS TO
EUGENIA WESTON)

BUMPER OUT

CD 00085

SMART SOLUTIONS

SHOW #564(TH13)(W1) - Monday, June 12, 20009

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 1 [#4, #5, #6]

MATY

LATER ON SMART

SOLUTIONS...CREATING

BOUQUETS ON A BUDGET.

PRE-TAPE: CU OF BOUQUET

CHYRON: FLOWERS FROM THE
HEART!!

AND UP NEXT, HOW TO MAKE AND
DECORATE YOUR OWN WEDDING
CAKE...

PRE-TAPE: PRE-MADE WEDDING
CAKE

CHYRON: EASY-MAKE CAKE!

VTPB/BUMP SHOT W/LOGO

MUSIC

COMMERCIAL
BREAK

CD 00086

SMART SOLUTIONS

SHOW #564(TH13)(W1) – Monday, June 12, 200010

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 2 [#7, #8]

WEDDING

CAKES

Talent:

Maty Monfort

Joan Spittler

Producer:

Julieann

TRT: 6:30

BUMP IN

LOCATION: KITCHEN

PROPS:

TIERED CUPCAKE CAKE

THREE INDIVIDUAL ROUND CAKES

COLUMNS

FROSTING

CHEESE GRATER

SANDWICH BAG

BUTTER-CREAM

CHOCOLATE

SPATULA

THREE TIERED SQUARE CAKE

VTPB/BUMP SHOT W/LOGO

MUSIC

CHYRON: MATY

MONFORT

CD 00087

8 - 11

SMART SOLUTIONS

SHOW #564(TH13)(W1) -- Monday, June 12, 200011

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 2

MATY

WELCOME BACK TO SMART

SOLUTIONS... I'M MATY MONFORT.

THE WEDDING CAKE IS ONE OF THE
MOST EXPENSIVE PARTS TO THE
EVENT...BUT, NOT IF YOU HAVE A
CAKE DIVA IN YOUR CORNER.

HERE TO SHOW US HOW TO MAKE
OUR OWN SPECIAL WEDDING AND
SPECIAL OCCASION CAKE IS JOAN
SPITLER.

(AD-LIB HELLO)

CHYRON:

JOAN SPITLER

CAKE DIVAS

QUESTIONS

1. HOW DID YOU COME TO BE THE CAKE
DIVAS?

(SHORT ANSWER -- NO DEMO)

CD 00088

8-12

SMART SOLUTIONS

SHOW #564(TH13)(W1) - Monday, June 12, 200012

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 2

2. WHAT'S THE FIRST STEP IN MAKING A WEDDING CAKE?

DEMOS: CAKES ALREADY BAKED AND FROSTED.

- PREPARE THE CAKES IN A 10" AND A 6" CAKE PAN
- FROST WITH A BUTTER CREAM FROSTING

BUTTER

SUGAR

FOOD COLORING

*melted butter
powdered sugar*

3. HOW DO YOU MAKE THE COLORED FROSTING?

DEMOS:

- BUTTER
- SUGAR
- FOOD COLORING

4. HOW WOULD I GO ABOUT DECORATING A CAKE?

DEMOS:

- FILL A PASTRY BAG, OR AN ORDINARY SANDWICH BAG WITH FROSTING.

CD 00089

SMART SOLUTIONS

SHOW #564(TH13)(W1) - Monday, June 12, 200013

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 2

- CUT TIP WITH SCISSORS
- BEGIN DECORATING

NOTE: YOU CAN ALSO USE PASTY TIPS AT THE
END OF YOUR BAG. THEY RETAIL FOR \$1.00
EACH.

5. WHAT'S THE FIRST STEP?

DEMOS: YOU WANT TO HAVE A TRAY THAT
ROTATES, SO IT'S EASY TO WORK ON THE
CAKE.

- USE A LAZY-SUSAN FOR BETTER CONTROL
WHEN DECORATING CAKE

MATY AND JOAN
DECORATE THE CAKE

6. TELL US ABOUT THE DECORATIONS?

DEMOS: TRY AN 'ENGLISH GARDEN' DESIGN

- FIRST, TAKE GREEN ICING AND MAKE THE
VINES
- ATTACH FLOWERS TO THE END OF THE VINE

CD 00090

8-14

SMART SOLUTIONS

SHOW #554(TH13)(W1) -- Monday, June 12, 200014

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 2

7. HOW DO YOU MAKE THE FLOWERS?

DEMOS: JOAN TO SHOW MATY HOW O MAKE
THE FLOWERS

- LILACS
- PANSIES
- CALLALILYS

8. HOW ABOUT THE COLUMNS?

DEMOS:

- AFTER EACH LAYER IS DECORATED, WE
ASSEMBLE THE CAKE BY PUSHING THE
COLUMNS INTO THE CAKE. DEMO
- YOU CAN DIP THE COLUMNS IN A WHITE
CHOCOLATE OR DECORATE THEM WITH THE
BUTTER-CREAM.
- \$3.00 TO BUY IN A CAKE DECORATING
STORE.

CD 00091

8-15

SMART SOLUTIONS

SHOW #564(TH13)(W1) -- Monday, June 12, 200015

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 2

9. TELL US ABOUT THE OTHER CAKES?

DEMOS: TRADITIONAL CAKE MADE BY USING A
SQUARE CAKE PAN.

- DECORATED WITH SHAVINGS OF
CHOCOLATE
- USE CHEESE GRATER FOR CHOCOLATE
(DEMO GRATER)

10. HOW ABOUT THIS CAKE?

DEMOS: WE ALSO HAVE A TIER FILLED WITH
CUPCAKES IN

- TOPS ARE ALSO DECORATED WITH BUTTER-
CREAM.
- YOU CAN USE DIFFERENT BATTERS TO MAKE
A VARIETY OF CAKE FLAVORS.

MATY

(RECAP AND AD-LIB THANKS TO
LEIGH AND JOAN.)

BUMPER OUT

CD 00092

8-16

SMART SOLUTIONS

SHOW #564 (TH13)(W1) -- Monday, June 12, 200016

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 2 [#9, #10]

MATY

LATER, THE SMART SOLUTION OF
THE DAY...

AND UP NEXT... A DO-IT-YOURSELF
BOUQUET!

PRE-TAPE: CU BOUQUET RIBBON
BEING TIED

CHYRON: TYING THE KNOT!

VTPB/BUMP SHOT W/LOGO

MUSIC

COMMERCIAL
BREAK

CD 00093

8-17

SMART SOLUTIONS

SHOW #564(TH13)(W1) -- Monday, June 12, 200017

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW_____

JR_____

Seg1 Prod_____

Seg2 Prod_____

Seg3 Prod_____

ACT 3 [#11, #12]

WEDDING

BOUQUETS

Talent:

Maty Monfort

Dia Collins

Producer:

Taha Howze

TRT: 6:00

BUMP IN

LOCATION: ICE CREAM TABLE

VTPB/BUMP SHOT W/LOGO

MUSIC

SET DRESSING (IF
ANY):

WEDDING ARCH
BEHIND THEM

TABLE IN IVORY
TABLE CLOTHE

PROPS:

ALL FLOWERS ARE BEING PROVIDE

CHYRON: MATY
MONFORT

MATY
WELCOME BACK TO SMART
SOLUTIONS.

CD 00094

8-18

SMART SOLUTIONS

SHOW #564(TH13)(W1) – Monday, June 12, 200018

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 3

NOW YOU KNOW YOU CAN MAKE
YOUR OWN WEDDING
CAKE...GUESS WHAT? YOU CAN
MAKE YOUR OWN BOUQUET, TOO!
HERE WITH A BASKETFUL OF IDEAS
FROM A FLORAL FANTASY IS
FLORAL EXPERT DIA COLLINS.
(AD-LIB HELLO)

CHYRON: DIA COLLINS

FLORAL
EXPERT

QUESTIONS

1. MOST BRIDES ARE SO BUSY AS THE
WEDDING DAY GETS CLOSER, HOW
SOON IN ADVANCE WOULD YOU SAY
YOU COULD MAKE A BOUQUET?
- A FEW DAYS IN ADVANCE BUT WORTH
IT BECAUSE YOU CAN SAVE OVER
HALF THE AMOUNT OF MONEY YOU
WOULD NORMALLY SPEND.

CD 00095

8-19

ACT 3

**2. IS THERE AN EASY ONE TO MAKE FOR
THOSE OF US WHO AREN'T AS SKILLED
AS A FLORIST?**

DEMOS:

- EASY TIE BOUQUET
- DIA WILL SHOW SEVERAL FLOWERS THAT
LOOK GREAT FOR A WEDDING BOUQUET
- SHE WILL THEN SHOW HOW TO CLUSTER
THE FLOWERS IN THE SHAPE OF A BOUQUET
- SHE WILL THEN SHOW CREATIVE WAYS TO
HOLD THE BOUQUET TOGETHER
- SHE WILL USE A TWISTY TIE HIDDEN BY A
RIBBON THAT IS TIED IN A BOW
- SHE WILL THEN SHOW AN "INVISIBLE" TIE
USING CLEAR TAPE.

**3. I LOVE THE LOOK OF THE VERY FANCY
ELEGANT BOUQUETS, CAN SOMEONE
MAKE ONE OF THOSE AS EASILY?**

DEMOS: ELEGANT BOUQUET

- DIA WILL SHOW HOW TO MAKE A BALL OF
ROSES

SMART SOLUTIONS

SHOW #564 (TH13)(W1) - Monday, June 12, 200020

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 3

- SHE WILL SHOW THE BASE AND EXPLAIN THE SHAPE TO LOOK FOR
- SHE WILL THE SHOW HOW TO CLIP THE HEADS OF ROSES FOR THE BOUQUET
- SHE WILL THEN SHOW HOW TO PLACE THE ROSES IN THE BASE TO FORM A LARGE BALL
- (HALF WILL BE DONE FOR TIME)

4. WHAT ABOUT THOSE BRIDES WHO ARE ON A TIGHT BUDGET?

DEMOS: INEXPENSIVE BOUQUET

- DIA WILL SHOW A VARIETY OF FLOWERS THAT LOOK GREAT AND ARE INEXPENSIVE
- SHE WILL START WITH MINI CARNATIONS AND WILL SHOW HOW TO ARRANGE IN A BOUQUET.
- SHE WILL THE SHOW HOW TO TAKE A SIMPLE CALA LILLY AND DRESS IT UP INTO A SINGLE FLOWER BOUQUET

CD 00097

8-21

SMART SOLUTIONS

SHOW #564(TH13)(W1) - Monday, June 12, 200021

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 3

5. ARE THERE ANY FLORAL IDEAS FOR OUR BRIDES MAIDS?

DEMOS: BRIDESMAID CORSAGE

- DIA WILL SHOW AN INEXPENSIVE AND
SIMPLE IDEA FOR THE BRIDES MAID
- SHE WILL TAKE A SINGLE ORCHID AND DEMO
HOW TO MAKE A CORSAGE
- SHE WILL EXPLAIN HOW THIS IDEA IS HALF
THE COST OF BUYING CORSAGES
- THIS IS ALSO A GREAT IDEA FOR A TEEN
GIRL GOING TO THE PROM

6. WE CAN'T FORGET ABOUT THE GROOM, ANY SUGGESTIONS?

DEMOS: BOUTONNIERE FOR GROOM

- DIA WILL SHOW TWO IDEAL FLOWERS FOR
THE GROOM
- SHE WILL THE TAKE ONE AND SHOW HOW TO
MAKE A BOUTONNIERE BACKING
- SHE WILL THEN DEMO HOW TO PUT
TOGETHER FOR A GROOMS BOUTONNIERE
- THIS ALSO WORKS WELL FOR A PROM

CD 00098

8-22

SMART SOLUTIONS

SHOW #564(TH13)(W1) -- Monday, June 12, 200022

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW_____

JR_____

Seg1 Prod_____Seg2 Prod_____Seg3 Prod_____

ACT 3

MATY

(RECAP AND AD-LIB THANKS TO

DIA COLLINS)

BUMPER OUT

CD 00099

8-23

SMART SOLUTIONS

SHOW #564(TH13)(W1) - Monday, June 12, 200023

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW_____

JR_____

Seg1 Prod_____Seg2 Prod_____Seg3 Prod_____

ACT 3 [#13, #14, #15]

MATY

UP NEXT, THE SMART SOLUTION OF
THE DAY...

VTPB/BUMP SHOT W/LOGO

MUSIC

COMMERCIAL

BREAK

CD 00100

8-24

SMART SOLUTIONS

SHOW #564(TH13)(W1) - Monday, June 12, 200024

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 4 [#16, #17]

BUMP IN

Talent:

Maty Monfort

Dia Collins

TRT: 01:30

VTPB/BUMP SHOT W/LOGO

MUSIC

MATY

WELCOME BACK TO "SMART
SOLUTIONS".

I WANT TO THANK MY GUESTS,
EUGENIA WESTON AND JEANNE
BENEDICT...

AND, AS WE SAY GOODBYE, DIA
COLLINS HAS OUR SMART
SOLUTION OF THE DAY...

CD 00101

8-25

SMART SOLUTIONS

SHOW #564(TH13)(W1) - Monday, June 12, 200025

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____

Seg2 Prod _____

Seg3 Prod _____

ACT 4 [#17]

PROPS:

SS OF THE DAY - DIA COLLINS

TAKE YOUR LEFT OVER FLOWER PETALS AND ROSE
PETALS FROM THE BOUQUETS YOU HAVE MADE INTO
A SMALL ATTRACTIVE BASKET. NOW YOU HAVE
SOMETHING CUTE FOR THE FLOWER GIRL TO CARRY
AND CAN SPRINKLE DOWN THE AISLE.

SMART SOLUTIONS

SHOW #564(TH13)(W1) - Monday, June 12, 200026

A/O 06/08/00 8:05 AM

SHOOT ORDER: 2ND

DW _____

JR _____

Seg1 Prod _____ Seg2 Prod _____ Seg3 Prod _____

ACT 4 [#17, #18]

MATY

THANKS DIA...AND THANKS TO YOU FOR
JOINING US TODAY ON "SMART
SOLUTIONS."

CREDITS

VTPB: BUMPSHOTW/ LOGO

MUSIC

CHYRON: CREDITS

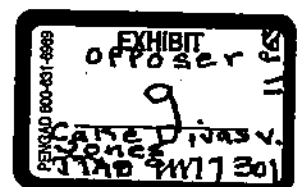
VTPB/ WG LOGO

CD 00103

8-27

EXHIBIT

9





A Soolip Wedding
presented by soolip & Los Angeles Magazine

· 2003 ·



Dear Friends,

Welcome to a world where beauty and inspiration are a part of everyday life.

We are proud to present this collection of designers, artisans, entertainers and producers who all endeavor to live each day as one of beauty and inspiration. It is our desire to bring to you, the bride, our vision of a perfect wedding. And in doing so, we bring to you those individuals who will help to create that joyful event, and your life beyond.

What is a "perfect wedding"? It is one in which the unexpected events and surprises turn into the most glorious and memorable moments. It is one in which the smallest of details are attended to, and where each and every guest feels special and honored. It is one in which the wedding and all its details reflect you and your partner, and not anybody else. And finally, it is one in which the process is as fun as the wedding day itself, and where the meaning of getting married is never forgotten in the process. That is a perfect wedding.

May you have fun and be inspired today. Thank you for joining us.

Wanda Wen
Co-Founder, Soolip

Grant Forsberg
Co-Founder, Soolip



A Soolip Wedding

presented by soolip & Los Angeles Magazine

*a modern bridal event of perfect moments...
...every moment discovered is a gift of inspiration.*

Co-Producer and Creative Director
Terry Melville



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Cake Divas
cake

Floracopia at Soolip
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hair

Jason Bentley of KCRW
music

Soolip Paperie & Press
invitations

Urbanscapes
landscaping

Shutters/Casa del Mar Hotels
butler

CD 00041

Vignettes

of perfect moments

Flirting with Beauty
by Bread & Butter Catering

gown • Monique Lhuillier
topiaries • Empty Vase
flowers • Floracopia at Soolip
wines • Penfolds

Poetry in Motion
by Badgley Mischka

gown • Badgley Mischka
topiary gown • Blackman | Cruz
paintings • Indian Style

Hmm...Just Married
by Hummer/Casa de Cadillac

gown • Monique Lhuillier
flowers • Floracopia at Soolip
cars • Red Bull

Special Delivery
by Soolip Paperie & Press

gown • Badgley Mischka
furniture • Indian Style
flowers • Floracopia at Soolip

Love Between the Lines
by Los Angeles Magazine

furniture • Indian Style
flowers • Krislyn Custom Floral Couture

Sweet Dreams
by Cake Divas

gown • Monique Lhuillier
furniture • Eloquence
flowers • Floracopia at Soolip

Maids in Waiting
by Thread Bridesmaid

gowns • Thread Bridesmaid
furniture • Chloe Décor
flowers • Linda Kennedy

When in Love
by Smashbox Cosmetics

gown • Badgley Mischka
furniture • Eloquence
flowers • Floracopia at Soolip

Path of Wonder
by Monique Lhuillier

gown • Monique Lhuillier
travel • Beverly Hills Travel Store

jewels by Harry Winston

CD 00042

Bridal Directory

Amber Productions TV/Film/Video, Inc.

Saulius Urbonas
5008 Yapple Avenue
Santa Barbara, California 93111
tel 805.964.4533
www.amberproductions.net

video documentation

Badgley Mischka

Joelle Fluhmann
202 North Rodeo Drive
Beverly Hills, California 90210
tel 310.248.3750

bridal gowns, accessories, evening wear

Beverly Hills Travel Store

Susanne Harner
9935 Santa Monica Boulevard
Beverly Hills, California 90212
tel 310.728.9611
www.travel-store.com

bonsymoons

Bread & Butter Catering

Michael Brooks
3384 South Robertson Boulevard
Los Angeles, California 90034
tel 310.559.5770
www.breadbuttercatering.com

caterer & event planner

Brian Ross Photography

Brian Ross
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Los Angeles, California 90025
tel 888.479.1357
www.laughterofheart.com

photographer

Cake Divas

Leigh Grode/Joan Spider
by appointment only
tel 310.399.2499
www.cakedivas.com

cake & desserts

Caravents Inc.

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Los Angeles, California 90077
tel 818.903.0797
www.caravents.com

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Casa Del Mar

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1910 Ocean Way
Santa Monica, California 90405
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www.hotelcasadelmar.com

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tel 310.271.8554
www.harrywinston.com

jeweler

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Howard Drake/Lisa Butler
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Sherman Oaks, California 91423
tel 818.981.2000

automobile purveyor

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fragrance, body & skin care

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Jules Bianchi

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www.julesbianchi.com

photographer

Kinara

Christine Splichal/Olga Lorenzin-Northrup

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West Hollywood, California 90069

tel 310.657.9188

www.kinaraspa.com

spa & cafe

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110 East 9th Street, no. A117

Los Angeles, California 90079

tel 213.627.7862

www.krislyndesign.com

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tel 310.391.3762

ladiesch@aol.com

music

Laura Kleinhenz Photographer

Laura Kleinhenz

tel 323.344.0055

lkleinhenz@aol.com

photographer

Leonard Neil Productions

Leonard Neil

1820 Idaho Avenue, no. 5

Santa Monica, California 90403

tel 310.453.1137

www.leonardneilproductions.com

music & entertainment

Liisa Margosian

Liisa Margosian

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Los Angeles, California 90036

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www.lamag.com

city mag

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Pasadena, California 91106

tel 626.577.0012

www.meccastudio.com

bridal co

Mimi Haddon Photography

Mimi Haddon

25 Spinnaker Street, no. 12

Marina Del Rey, California 90292

tel 310.821.4131

www.mimihaddon.com

photograph

Mira Aster

Soolip Custom

8646 Melrose Avenue

West Hollywood, California 90069

tel 310.360.0154

novelty

Monique Lhuillier

Aimee Manis

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Beverly Hills, California 90210

tel 310.550.3388

www.moniquelhuillier.com

bridal gown

Nancy Cohn Photography

Nancy Cohn

tel 802.253.9641

www.cohnphotography.com

photograph

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1011 North Fuller

West Hollywood, California 90046

tel 323.876.7483

www.onsiteweddings.com

wedding

Penfold

www.penfold.com

wine

CD 00044

9-7

Resource One

6900 Canby Avenue, no. 106
Reseda, California 91335
tel 818.343.3451
www.resourceone.info

table linens

Shutters on the Beach

Diane Greenberg
1 Pico Boulevard
Santa Monica, California 90405
tel 310.587.1705
www.shuttersonthebeach.com

hotel & wedding site

Skirball Cultural Center

Marilyn Delanocye
2701 North Sepulveda Boulevard
Los Angeles, California 90049
tel 310.440.4500
www.skirball.org

wedding location & gift registry

Smashbox Cosmetics

Nicole Sutton/Eden Mitry
8549 Higuera Street
Culver City, California 90232
tel 310.558.1490
www.smashbox.com

make-up

Soolip Bungalow

Sean Bradley
548 Norwich Drive
West Hollywood, California 90048
tel 310.360.1512
www.soolip.com

bridal registry

Soolip Custom Letterpress

Autumn DeWilde/Circa Grau
8646 Melrose Avenue
West Hollywood, California 90069
tel 310.360.0154
www.soolip.com

invitations & stationery

Soolip Marie Papier

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tel 310.360.0581
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Wedding Planner

In planning your wedding, you will experience so many "first times."
Enjoy it. Enjoy the discovery and the process.
Use this list of important details to help you plan and organize.
And remember . . . have fun!

six months ahead or more

- with your fiancé, create and visualize in your minds the wedding you both desire
- set budget
- hire a wedding planner
- compile guest list and addresses
- finalize wedding date
- reserve ceremony and reception sites
- choose bridesmaids and groomsmen
- book caterer
- book florist
- book musicians
- book photographer and videographer
- visit your officiant and reserve
- order and send save-the-date cards
- order wedding gown, accessories and groom's attire

four months ahead or more

- order invitations and thank you notes
- buy wedding rings
- plan honeymoon and confirm passports
- register for gifts
- choose bridesmaid and groomsmen attire
- have mothers choose their dresses
- order wedding cake
- reserve rental equipment (tables, chairs, linens, tents, etc.)
- reserve accommodations for out-of-town guests
- book a room for wedding night

two months ahead or more

- calligrapher and mail invitations
- obtain marriage license
- choose readings for ceremony
- discuss service with officiant
- choose gifts for your attendants
- choose favors
- order programs
- order wedding announcements
- schedule rehearsal dinner and order rehearsal dinner invitations
- finalize details of menu with caterer
- send out attendants dresses
- make appointment with hair stylist
- make appointment with a make-up artist
- sign of up for dance lessons (if needed!)

one month ahead or more

- pick up wedding rings
- buy wedding day linens
- buy wedding gift for
- have dress fitting
- purchase guest book
- write wedding vows
- depending on the state get blood tests
- obtain marriage license
- if desired, send your information to your

two weeks ahead

- break in wedding shoes
- begin seating plan
- calligrapher place cards
- have final dress fitting shoes, jewelry, lingerie
- if you are planning to contact the necessary required forms
- write toasts for rehearsal and wedding reception
- address wedding announcements

one week ahead

- confirm details with photographer, videographer
- finalize seating plan
- notify caterer of guest list
- pack for honeymoon
- pick up wedding gown
- bride and groom confirm attendants each of them at wedding and reception
- have day of beauty, manicure, pedicure, etc.

one day ahead!

- conduct rehearsal ceremony
- have rehearsal dinner the wedding party at
- confirm transportation
- send wedding announcements
- prepare tip and payment
- do yoga
- sleep no less than eight hours

CD 00046

Wedding Anniversaries

...special milestones honoring commitments to each other

first	paper
second	cotton
third	leather
fourth	books
fifth	wood, clocks
sixth	candy, iron
seventh	copper, bronze, brass
eighth	electrical appliances
ninth	pottery
tenth	tin, aluminum
eleventh	steel
twelfth	silk, linen
thirteenth	lace
fourteenth	ivory
fifteenth	crystal
twentieth	china
twenty-fifth	silver
thirtieth	pearl
thirty-fifth	coral, jade
fortieth	ruby
forty-fifth	sapphire
fiftieth	gold
fifty-fifth	emerald
sixtieth	diamond
seventieth	diamond

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1 STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES

SS.

3
4 I, Mary Badillo, hereby certify:

5 I am an employee of Barkley Court Reporters,
6 duly authorized agent for the deposition officer that
7 stenographically recorded the testimony in the foregoing
8 proceeding and authorized to execute this copy
9 certificate.

10 The foregoing is a true and correct copy of
11 the original transcript of the stated proceeding.

12
13 Dated 4-30-09.

14
15 Mary Badillo
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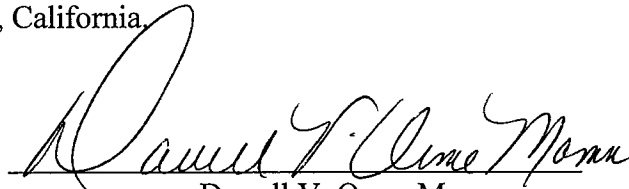
upon counsel for Applicant named below:

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Darrell V. Orme Mann